MASTER NEGATIVE NO. 91-80127-4

AUTHOR:

CICERO, MARCUS TULLIUS

TITLE:

M.T. CICERONIS IN Q. CAECILIUM DIVINATIO...

PLACE:

CAMBRIDGE

DATE:

[1900]

Master Negative #
91-80127-4

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DEPARTMENT

BIBLIOGRAPHIC MICROFORM TARGET

Original Material as Filmed - Existing Bibliographic Record

Verres. 1900.

Cicero, Marcus Tullius. ... In Q. Caecilium divinatio et in C. Verrem actio prima. 1900. (Card 2)

D87C48
U2871 Copy in Barnard. 1881.

Verres. 1900

87CN3
IF00

Cicero, Marcus Tullius.
M. T. Ciceronis In Q. Caecilium divinatio et in C. Verrem actio prima; with introduction and notes by W. E. Heitland and Herbert Cowie. Stereotyped edition. Edited for the syndics of the University press. Cambridge, University Press [1900]
xvi, 114 p. (Pitt press series)

Restrictions on Use:

TECHNICAL MICROFORM DATA

FILM SIZE: 35 mm REDUCTION RATIO: 11x
IMAGE PLACEMENT: IA IIA IB IIB
DATE FILMED: 6/28/91 INITIALS MED
FILMED BY: RESEARCH PUBLICATIONS, INC WOODBRIDGE, CT

AIIM

Association for Information and Image Management

1100 Wayne Avenue, Suite 1100
Silver Spring, Maryland 20910

301/587-8202

Centimeter

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 mm

1 2 3 4 5

Inches

1.0 1.1 1.25 1.4 1.6 1.8 2.0 2.2 2.5 2.8 3.2 3.6 4.0 4.5 5.0 5.6 6.3 7.1 8.0

MANUFACTURED TO AIIM STANDARDS
BY APPLIED IMAGE, INC.

M T CICERONIS

IN Q CAECILIUM DIVINATIO

ET

IN C VERREM ACTIO PRIMA

M T CICERONIS

IN Q CAECILIUM DIVINATIO

ET

IN C VERREM ACTIO PRIMA

London: C. J. CLAY AND SONS,
CAMBRIDGE UNIVERSITY PRESS WAREHOUSE,
AVE MARIA LANE.
Glasgow: 50, WELLINGTON STREET.

Leipzig: F. A. BROCKHAUS.
New York: THE MACMILLAN COMPANY.
Bombay: E. SEYMOUR HALE.

Pitt Press Series.

M T CICERONIS

IN Q CAECILIUM DIVINATIO

ET

IN C VERREM ACTIO PRIMA

WITH INTRODUCTION AND NOTES

BY

W E HEITLAND, M A,

AND

HERBERT COWIE, M A,

FELLOWS OF ST JOHN'S COLLEGE, CAMBRIDGE.

STEREOTYPED EDITION.

EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

Cambridge:
AT THE UNIVERSITY PRESS.

carus erit Verri qui Verrem tempore quo vult
accusare potest.

JUVENAL III 53—4.

Cicero summo consilio videtur in Verrem vel contrahere tempora dicendi maluisse quam in eum annum quo erat Q Hortensius consul futurus incidere.

QUINTILIAN VI 5 § 4.

Nelson Glenn McCrea
11. 13. 44

First Edition 1876.
Reprinted 1877, 1878, 1881, 1884, 1885, 1887, 1889, 1891, 1892, 1895, 1898, 1900.

TO THE READER.

THE two speeches contained in this book represent with more or less exactness the whole pleading of Cicero in the famous impeachment of Verres. Each is unique of its kind, and they pair well together; while the five books of the *Accusatio*, afterwards published by the orator, are nothing more than a grand literary exercise, and involve a tedious study of iniquity in detail. Hence the present editors hope that they need say no more to justify their choice of subject. Though the notes on the *Divinatio* have been written by Mr Heitland, and those on the *Actio Prima in Verrem* by Mr Cowie, the work was essentially done in common. The books chiefly used were the following:

A. Books of Reference:
- Orelli and Baiter's Onomasticon Tullianum (1838).
- Nizolius's Lexicon Ciceronianum (1820).
- Ramsay's Roman Antiquities (1873).
- Olivetus's Delectus Commentariorum (1819).
- Mayor's Second Philippic (1872).
- Nägelsbach's Stilistik (1870).
- Madvig's Opuscula and Adversaria (scattered notes).
- Mommsen's History of Rome.
- Madvig's Latin Grammar.
- Roby's Latin Grammar.

B. Editions:

Verrinarum libri septem ed C T Zumpt (1831).

Cicero's rede gegen Q Caecilius. Erklärt von Karl Halm (1867). The review of Halm's fourth Edition by Tischer in the zeitschrift für das gymnasialwesen XIV 471 foll has also been useful.

Cicero's divinatio in Q Caecilium. Herausgegeben von Fr Richter (1870).

Wherever help has been obtained from any other source it has been duly acknowledged in the Notes or Appendices, but we may here record our thanks to Professor John E B Mayor for kindly furnishing us with annotations on several passages.

In all cases of deviation from the received texts we have called attention to the fact and stated our reasons. As great part of the matter contained in the Notes is new we make no scruple in claiming the reader's indulgence for our shortcomings.

W E HEITLAND.
HERBERT COWIE.

ST JOHN'S COLLEGE, CAMBRIDGE,
May, 1876.

CONTENTS.

INTRODUCTION.

In the year BC 70, the consulship of Gnaeus Pompeius and Marcus Crassus, Cicero at the request of nearly all the Sicilian cities undertook the prosecution of C Verres, who had been praetor of Sicily in the years BC 73—71. Cicero had been quaestor of Lilybaeum, one of the two administrative divisions of Sicily, in 75, and had won the confidence and respect of the Sicilians by his equitable government and a moderation and integrity that were rarely displayed by Roman officials in the provinces (Plutarch Cic 6, pro Planc § 64, I in Verrem § 34, II in Verrem V § 35). Before proceeding to the trial itself and the events immediately connected therewith, it will be necessary to take a brief survey of the political circumstances of the time. The year 70 is marked by the overthrow of the Sullan constitution. Ten years of misgovernment had shewn that the senatorial oligarchy established by Sulla was utterly incapable of rule. Their feeble and inefficient conduct of the wars against Sertorius Spartacus and the pirates, and the notorious corruption of their tribunals, had convinced every one but the most extreme oligarchs that reforms in the direction of a more popular form of government could no longer be resisted. The two chief reforms demanded were the re-establishment of the tribunician power and the restoration of the law-courts to the equites. The premature insurrection of Lepidus (77), and the more formidable rebellion of Sertorius, had indeed been crushed, but the popular party were now in a position to achieve by legal reform what they had failed to win by revolution. They had gained over to their side the two most powerful men of the time, Pompeius and Crassus, each at the head of a victorious army. The

senate reluctantly allowed Pompeius the honours of a triumph and permission, although he was under the legal age, and had never been aedile or praetor, to stand for the consulship (see note on I in Verrem § 45). He was elected with Crassus as his colleague. They proceeded to carry a bill which restored the prerogatives of the tribunes, and then went on to attack the senate's monopoly of the law-courts. Originally the agitation had been directed to the complete exclusion of the senators and the restoration of the sole tenure of the equites. But apparently owing to the accession of Crassus, Catulus (I in Verrem § 44), and others of the more moderate optimates, this reform ultimately took the form of a compromise, the lex Aurelia, which was passed late in the year 70, enacting that the roll of jurymen should consist one-third of senators, and two-thirds of men of equestrian census, half of whom must have held the office of *tribuni aerarii*. The agitation which preceded the passing of this law was in progress while the trial of Verres was going on (I in Verrem § 2), the terms of the proposed bill had however not yet been published (II in Verrem V § 178 *cum primo agere coepimus lex non erat promulgata*). In several passages Cicero dwells upon the case of Verres as involving the continuance or loss of the senate's tenure of the courts, according as the jury gave a righteous or a corrupt verdict. Himself a senator and by no means friendly to the ultra-democratic party, though convinced of the necessity of reform, he entreats the jury to retrieve their lost character, and to shew by a striking example that a senatorial court could condemn a wealthy criminal. The guilt of Verres was so notorious that a verdict of acquittal would be intelligible only on one supposition, that the jury had been bribed.

Gaius Verres (his gentile name does not appear) was the son of C Verres, a senator (II in Verr II § 95). His first appearance in public life was in the year 83 as quaestor to Gnaeus Carbo, the Marian leader. Verres went over to Sulla carrying the military chest with him (II in Verr I § 34). Sulla rewarded the renegade with some of the property of proscribed Marians, but kept him at a distance and refused to employ him in any official capacity (ibid § 38). In the year 80 he went as legatus to Cn Dolabella the praetor of Cilicia, and afterwards, on the

death of the quaestor Malleolus, he became pro-quaestor. After being the chief agent of Dolabella in his misdeeds and extortions, he turned against his patron when accused by Scaurus, and contributed materially to his condemnation. In 74 he became praetor urbanus by means of profuse bribery, as Cicero hints. His maladministration in that office is described in the first book of the second Actio. On the expiration of his year of office, the province of Sicily fell to him by lot. His career there is fully detailed in the last four books of the second Actio, and it is unnecessary to enter fully into it here. His tenure of office lasted three years (73—71), as his destined successor, Q Arrius, was detained in Italy by the servile war (II in Verr IV § 42, Livy Epit 96). On his return to Rome he at once began to take measures to defeat the prosecution, with which he was threatened on the charge of *repetundae*. His great object was to get the trial put off till the next year, when two of his chief supporters, Hortensius and Quintus Metellus, would be consuls. The profits of one of his years of office secured him their support, as well as that of Marcus Metellus, who would preside next year as praetor in the court before which he was to be brought, of Lucius Metellus his successor in Sicily, and others of the extreme oligarchic party. To secure himself still further he went on to interrupt the course of proceedings by putting forward a tool of his, one Q Caecilius, to contest with Cicero the right of prosecution. This was done in the *divinatio*, the nature of which is explained in Appendix A. To this interruption we owe the speech known as *divinatio in Caecilium*, which is not only interesting from its being the only one of the kind that has come down to us, but is most likely a first-rate specimen of Roman forensic oratory of this description. It is clear and convincing, and breathes a lofty scorn for the speaker's worthless opponent joined to a well grounded assurance of success. Q Caecilius Niger, as the scholiast calls him, was according to the same authority a Sicilian by birth. He must have been a Roman citizen, or he could not have claimed the right to prosecute (see on div in Caec §§ 11, 19), and he was according to Plutarch Cic 7 a freedman's son (ἀπελευθερικὸς ἄνθρωπος = *libertinus*). It has been conjectured with great probability that his father had been enfranchised by a Q Caecilius

Metellus, whose name he had accordingly taken : for the Metelli were *patroni* of the Sicilians, and, as Richter remarks, closely connected with Verres. There can be no reasonable doubt that Caecilius, had he been appointed to prosecute, would have proved false to the cause and played into the hands of the defence (*praevaricari*). But this design was thwarted by the appointment of Cicero.

He next contrived a new means of delay. He got some senator (whose name does not appear) to institute a prosecution against another for alleged misdeeds in Achaia. Cicero had asked for 110 days to collect evidence in Sicily: this 'man of straw' demanded 108 for the same purpose in Achaia. But as Cicero says, he never went further than Brundisium, and as Cicero got through his work in 50 days and returned to Rome with an overwhelming mass of evidence, the sham prosecution was given up. Verres next attempted to prevent the election of Cicero to the aedileship, but he was returned at the head of the poll. Even now Verres did not despair. The trial did not begin till the 5th of August, and great part of the remainder of the year would be occupied by various *ludi*, during which the court would not sit. By means of long speeches and delays on various pretexts, Verrus and his leading counsel Hortensius expected to be able to protract the trial till January, when the matter would come 'without prejudice' (*integram*) into the hands of his friend Marcus Metellus and an almost entirely new jury. His hopes of bribing the present jury had been dashed by the result of the *sortitio* and *reiectio iudicum* (I in Verr § 16). It was hopeless to attempt to corrupt them, and the presiding praetor, M' Acilius Glabrio, was a man of integrity. All his efforts therefore were directed to securing the protraction of the trial to the new year. This, the "*ratio*" which Cicero frequently mentions as adopted by the Verrine party, he defeated by the stratagem (*consilium*) of dispensing with the customary long opening speech, and, after a brief introduction of the case and explanations of the reasons for adopting this course (the first *Actio*), of proceeding at once to the production of evidence and examination of witnesses, a course he shews to be not without precedent. The stratagem was completely successful (Quintilian (VI 5 § 4) remarks "*Cicero summo consilio*

videtur in Verrem vel contrahere tempora dicendi maluisse quam in eum annum quo erat Q Hortensius consul futurus incidere"). The evidence was so overwhelming that Hortensius practically 'threw up his brief' by refusing to cross-examine any of the witnesses (II in Verr V § 155, Orator § 129 *nobis pro familiari reo summus orator non respondit Hortensius*). Verres retired before the verdict into voluntary exile at Massilia, and was condemned to outlawry (*aquae et ignis interdictio*) and a fine of twice (or two and a half times) the amount of his extortions. Cicero, unwilling to lose the fruits of his diligence, and with the object of plunging Verres in still deeper infamy, published the five books of the second Actio, which were never spoken, cast in the form of a speech delivered after the *comperendinatio* or adjournment which took place in all trials *de repetundis*. By his complete success in this trial he suddenly leapt into the position of the foremost forensic orator of the time: Hortensius hitherto the acknowledged 'king of the courts' (I in Verr § 35) was forced to yield to his younger rival and to take the second place (see Brutus § 319 foll). Verres lived at Massilia till the second triumvirate, when, as Pliny relates (hist nat XXXIV 2), he was proscribed by Antonius for refusing to give up some vessels of Corinthian bronze which the latter desired to get possession of. He met his death with fortitude (Seneca Suasor c 6), and not until he had had the satisfaction of hearing of the murder of his old accuser.

PLAN OF THE *Divinatio*.

A. *Exordium* §§ 1—9, *quibus rebus adductus ad causam accesserit.*

B. *Probatio* §§ 10—71.

[*Divisio* § 10, for the place of which see Quintil III 9 § 1.]

se accusatorem esse debere

(1) *quod se Siculi maxime velint*, §§ 11—22.

(2) *quod se Verres minime velit*, §§ 22—26.

(3) *quod ea sine quibus causa sustineri non possit Caecilium deficiant*, §§ 27—51.

(α) *integritatem*, §§ 27, 28.

(β) *veritatem*, §§ 29—35.

(γ) *facultatem agendi*, §§ 35—51.

(4) *quod ipse maiores causas habeat quam Caecilius*, §§ 52—60.

(5) *quod vetus consuetudo institutumque maiorum sibi suffragetur declaretque se diligentem accusatorem fore*, §§ 61—71.

C. *Peroratio* §§ 71—73.

se eum esse cui tanta causa committi possit, neque sine turpitudine et iudiciorum periculo posse Caecilium sibi anteponi.

Abstract of the *Divinatio*.

A. *Exordium* §§ 1—9.

If any wonder at my wishing to prosecute in this case, let him hearken to my reasons for so doing, and he will wonder no more. I seek to act as the champion of wasted Sicily, to which I am bound by the ties of official connexion and my own promises. It is at the entreaty of the Sicilians, who dread the appointment of Caecilius as prosecutor in their behalf, that I come forward. I am then in truth not so much accusing as defending. But, not to press this excuse, think of Verres and his doings, matters of notoriety as they are; think of the duty we owe, not only to our subjects, but to Rome; think of the demand for honest and able prosecutors and a purer administration of justice than that which is the subject of the present outcry; and surely as Romans and senators you must admit that the course I am taking is that of duty and patriotism.

B. *Probatio* §§ 10—71, *arbitrati sunt.*

[*Divisio* § 10. Justified, I hope, in my appearance here, I will venture to propound the principle, that in granting the right of prosecuting a jury should follow the wishes of the injured party, and thwart those of the presumed wrong-doer.]

(1) First then, what do the Sicilians say? They have publicly chosen me to undertake their case, and this everybody knows well; their entreaties are still in your ears. They chose me not for any great power of mine, but for my fitness to undertake this particular case. And ought not their complaint to have some weight with you? They seek to get their rights through the law meant for their protection, but they can only plead by deputy; they abhor Caecilius and long for me: may they not choose their own representative? Why do you, Caecilius, thrust yourself forward against their will only to work their ruin?

(2) Well, and how about Verres? his fear lest I should have the conduct of the case betrays his opinion, even as the manoeuvres of Hortensius shew that the hopes of the defence

rest upon the appointment of Caecilius. If I am to be prosecutor it will be dangerous to attempt any malpractices with a view to an acquittal. I shall guard the interests not only of Sicily but also of Rome.

(3) Now what are you fit for, Caecilius? you are so unfit to undertake a case like this, that you actually do not know your own unfitness.

(*a*) Are you upright and guiltless yourself? The Sicilians alone have had the chance of forming an opinion, and they say 'No'.

(*β*) Are you staunch and true? your intimacy with Verres does not look like it. In fact, how can you lay to the charge of Verres evil deeds in which you have been an accomplice? you are bound up with Verres, you have shared his spoils. Make way then for one who can with a clear conscience press the charges as they should be pressed.

(*γ*) Have you the abilities and experience to fit you for such a case as this? no: whatever my powers may be, there can be no doubt about yours. They are neither sufficiently strong by nature nor cultivated by practice to enable you to undertake such a pleading. It is your ignorance that gives you confidence: my experience makes me feel nervous. I much doubt whether the mere statement of the case would not be too great an effort for you. How will it be when you have to meet Hortensius? he, who would meet me with caution, will make light of you; he will so bewilder and silence you that you will not remember a word of the lesson you have learnt, and when called upon to reply you will be dumb. Your performance to-day will shew whether my words are true or not. If you urge that you are well supported, and could undertake the prosecution of Verres in reliance upon your juniors, I reply that they are very little if at all better than yourself, and that they will not do their best for fear of eclipsing you.

(4) With all these shortcomings, what claim have you? as one wronged by Verres, you will say. But this though true

would not justify you in forcing yourself on the Sicilians. They want an advocate not only willing but able to plead their cause. Avenge yourself on Verres if you will: but let them be preferred to you for the present. As for the wrong done you by Verres, it was after all no more than an annoyance; nay more, it was a credit to Verres to have thwarted you in your iniquity for once. And besides you have made it up long ago; to bring it up again now shews that you either seek to play false with him or with the Sicilians. Perhaps you will urge that you served under him as Quaestor. A very good reason for forbearance, not at all for attacking him.

(5) In truth as his late Quaestor you ought to be rejected at once. All precedent shews this to have been for generations a good reason for rejecting a prosecutor. The relation between Praetor and Quaestor is one of almost paternal closeness. Moreover the defence of the provincials on public grounds is far more honourable than the doing it to satisfy a private grudge. Such was the opinion of our fathers, as Roman history shews. It is the undertaking of such cases by able men on high grounds that is now causing such alarm among those interested in maintaining the corruption of the law-courts. But I maintain that the honest conduct of prosecutions is one of the greatest needs of the state at the present time.

C. *Peroratio* §§ 71 *quamobrem*—73.

How is this to be secured in the present case? I have a reputation to keep up and hopes of distinction in the future: Caecilius has neither. I can give security for my good faith, which he cannot. Choose then the better man: and I may end by warning you, gentlemen, of the grave suspicions attaching to your order, to which you will lend colour if you choose Caecilius.

M TULLII CICERONIS

IN Q CAECILIUM

ORATIO

QUAE DIVINATIO DICITUR

I. SI quis vestrum, iudices, aut eorum qui adsunt forte 1
miratur me, qui tot annos in causis iudiciisque publicis ita sim versatus, ut defenderim multos, laeserim neminem, subito nunc mutata voluntate ad accusandum descendere,

i. 1. With this *exordium* Richter well compares Quintilian XI 1 § 57 *nam sine dubio in omnibus statim accusationibus hoc agendum est, ne ad eas libenter descendisse videamur*, and IV 1 § 49 where the passage is loosely quoted as an instance of the figure πρόληψις, which is *ratio occupandi quae videntur obstare*. Cicero goes on to argue that in accusing Verres he is really defending the Sicilians. For the odium attaching to the position of prosecutor see Brutus § 130, de orat II § 226, and for Cicero's own views on the subject de off II §§ 49—50.

eorum qui adsunt] the throng of people or *corona*. So § 13.

tot annos] said in the year B C 70. He began to practise in 81. Halm refers to Brutus § 319 *quum igitur essem in plurimis causis et in principibus patronis quinquennium fere versatus, tum in patrocinio Siciliensi maxime in certamen veni designatus aedilis cum designato consule Hortensio.*

causis iudiciisque] I hold that Richter is right in taking these words to be a pair as in §§ 25, 73. They are simply an instance of the common figure hendiadys. The epithet *publicis* goes with both words.

ita......ut] in the usual limiting sense of 'only'...'to'. See on § 31.

defenderim] the perfect tense is used in speaking of the whole conduct as it now appears. See Madvig § 383.

descendere] so we must read, though the MSS give *descenderim* which some have vainly striven to explain and keep. *descendere* is strictly the present tense, and there is the implied second sense of coming down to a lower level. See Nägelsbach § 132. 'That I should suddenly have changed my inclination and be coming down to undertake a prosecution'.

is, si mei consilii causam rationemque cognoverit, una et id
quod facio probabit, et in hac causa prŏfecto neminem
2 praeponendum mihi esse actorem putabit. cum quaestor
in Sicilia fuissem, iudices, itaque ex ea provincia deces-
sissem, ut Siculis omnibus iucundam diuturnamque memo-
riam quaesturae nominisque mei relinquerem, factum est uti
cum summum in veteribus patronis multis, tum non nullum
etiam in me praesidium suis fortunis constitutum esse arbi-
trarentur. qui nunc populati atque vexati cuncti ad me
publice saepe venerunt, ut suarum fortunarum omnium
causam defensionemque susciperem: me saepe esse polli-

una...et...et] principalis divisio huius causae bipartita est, utrum recte Cicero accuset et utrum Caecilio sit anteponendus. Schol.

2. *quaestor*] in 75 B C.

decessissem] in the proper sense of quitting a province and coming to Rome. So § 29.

omnibus] the Scholiast rightly remarks that this is an exaggeration, as Cicero was Quaestor at Lilybaeum and could only have gained favour with the people of the western half of the island. The origin of the double Quaestorship in Sicily (see II in Verrem II § 11, pro Plancio § 65) is probably to be seen in the fact that it was not acquired by the Romans all at once, but (*a*) the western part was ceded by the Carthaginians in 241 B C, (*b*) the eastern was not conquered until 210 B C. When the whole island came to be formed into a province the Romans were probably induced by its importance as a source of their corn-supplies to found another Quaestorship for the district of Syracuse, without suppressing the one already established at Lilybaeum.

cum......tum] in aiming at modesty of expression Cicero has broken the construction with a forced antithesis. The words from *cum* to *etiam* are thrust in, and it is not at once clear that *in me... arbitrarentur* is all that directly depends upon *factum est uti*.

veteribus] such as the Marcelli. M Claudius Marcellus took Syracuse in 212 B C and thus decided the second Punic War in Sicily. His moderation in the hour of victory endeared him to the Sicilians; and he and his family became the *patroni* of the province. *in me* i e *patrono recenti*.

populati] Tischer remarks that though Cicero uses the deponent not the active form of this verb, he treats the past participle as a passive, and always (it seems) joins it with *vexatus*. Compare § 7, II in Verrem III § 122.

cuncti] envoys from all the states. The statement is too strong. See § 14.

publice] as duly-appointed delegates. Compare Plautus Stich 490—1 *at ei oratores populi sunt, summi viri: Ambracia veniunt huc legati puplice.* The Greek would be δημοσίᾳ or κοινῇ. See II in Verrem IV § 137 *a Syracusanis prorsus nihil adiumenti neque publice neque privatim expectabam*, pro Plancio § 22, and note on § 12 *quaesisse*.

pollicitum] in the speech delivered by him at Lilybaeum on the occasion of quitting his province, and on earlier occasions during his tenure of office. Halm.

citum, saepe ostendisse dicebant, si quod tempus accidisset
quo tempore aliquid a me requirerent commodis eorum me
non defuturum. venisse tempus aiebant, non iam ut com- 3
moda sua, sed ut vitam salutemque totius provinciae defen-
derem: sese iam ne deos quidem in suis urbibus ad quos
confugerent habere, quod eorum simulacra sanctissima C
Verres ex delubris religiosissimis sustulisset: quas res luxu-
ries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, su-
perbia in contumeliis efficere potuisset, eas omnes sese hoc
uno praetore per triennium pertulisse: rogare et orare, ne
illos supplices aspernarer, quos me incolumi nemini sup-
plices esse oporteret. 2. tuli graviter et acerbe, iudices, in 4
eum me locum adduci, ut aut eos homines spes falleret, qui
opem a me atque auxilium petissent, aut ego, qui me ad
defendendos homines ab ineunte adulescentia dedissem,
tempore atque officio coactus ad accusandum traducerer.

accidisset] a word generally used of evil, and here not without special significance. See Professor Mayor's note on Philippic II § 17. Richter quotes ad fam III 10 § 2 *nollem accidisset tempus*.

quo tempore] for the emphatic repetition of the substantive to which the relative refers see Madvig § 315 *a* obs 2.

eorum] not *suis*, as Cicero is himself reporting the report of his words made by the delegates.

3. *ne deos quidem*] compare I in Verrem § 14 *delubra omnia sanctissimis religionibus consecrata depopulatus est, deum denique nullum Siculis qui ei paullo magis adfabre atque antiquo artificio factus videretur reliquit.* So Juvenal VIII 106 *sacrilegus Verres*.

religiosissimis] so Vergil Aen II 365 *religiosa deorum limina*.

flagitiis] for the special sense of the word compare Tusc disp IV § 73 *eam prae libidine negat curare quicquam. quasi vero ipse non propter libidinem tanta flagitia et faciat et dicat*.

triennium] Verres had been appointed in B C 73 and was to have been relieved in due course at the beginning of 72 by Q Arrius; but his successor was detained by the slave-rising under Spartacus and Verres was accordingly continued in his office for two years more. Note the purposed juxtaposition of *hoc uno praetore* and *per triennium*.

illos] not *se*, because of the relative *quos* following. = 'men'.

ii. 4. *locum*] 'standpoint', 'position', here = alternative. Halm.

dedissem] = *dedidissem*. Richter compares pro Rosc Am § 18 *quum hic se vitae rusticae dedisset*. The construction with *ad* is rare.

tempore] the pressure of circumstances. See on § 5.

traducerer] as this word in later

= ab initio aetatis = a primis temporibus aetatis

dicebam eos habere actorem Q Caecilium, qui praesertim
quaestor in sua provincia fuisset. quo ego adiumento spe-
rabam hanc a me posse molestiam demoveri, id mihi erat
adversarium maxime: nam illi multo mihi hoc facilius remi-
sissent, si istum non nossent aut si iste apud eos quaestor
5 non fuisset. adductus sum, iudices, officio, fide, miseri-
cordia, multorum bonorum exemplo, vetere consuetudine
institutoque maiorum, ut onus huius laboris atque officii
non ex meo, sed ex meorum necessariorum tempore mihi
suscipiendum putarem. quo in negotio tamen illa res me,

Latin bears the sense of 'disgrace' (see Professor Mayor on Juv VIII 17), it is hardly likely to have been a very favourable word at any time. See on *descendere* § 1. We find it however in a decidedly good sense in pro Plancio § 31 *o adulescentiam traductam eleganter.*

dicebam] this passage is referred to by Quintilian IX 2 § 59 as an instance of *relatio*, which is *nostrorum dictorum factorumque imitatio.*

qui praesertim] 'a man too who had been Quaestor in Sicily'. See on § 41. *praesertim* throws emphasis upon *qui. in sua provincia*, if genuine, must be taken from the standpoint of the Sicilians, as Halm says. They might reflect that he had been Quaestor among them.

quo] Madvig § 448 obs points out that an adversative conjunction is not in Latin attached to the relative. Here we should in English supply 'but'. See on § 48.

hoc] onus defensionis. Halm.

remisissent] would have been more ready to hold me excused from this. So II in Verrem III § 219 *verum hoc quoque vobis remitto.*

iste] Caecilius, in this speech.

5. *officio*] as former Quaestor and now *patronus* of the Sicilians. *fide*, as in honour bound by his promise. *misericordia*, for he says above *tuli graviter* etc. *multorum bonorum exemplo*, see §§ 66—71. *vetere consuetudine*, see § 66 *temporibus optimis.*

onus laboris] this is the genitive of more specific definition explained by Madvig § 286 obs 2. Compare § 6 *causa necessitudinis*, pro Mur § 23 *virtutibus continentiae gravitatis iustitiae*, § 13 *nomen voluptatis*, § 67 *nomen Catonis*, Philippic II § 78 *causam amoris* and the note of Prof Mayor on the passage. Add II in Verrem IV § 113, V § 24, pro Plancio §§ 27, 72, and see on § 59 of this speech.

officii] 'service', the pleading for the Sicilians. So § 47 *causae atque officio tuo*, pro Mur § 2 *in hoc officio.*

non ex meo] Cicero was at this time candidate for the curule Aedileship, and the undertaking of such a case would be very inconvenient as a serious hindrance to him in his canvass. See § 72, I in Verrem §§ 23—24.

tempore] 'season', hence 'convenience'. So § 16, pro Plancio § 79 *quid cuiusque intersit et quid a me cuiusque tempus poscat*, pro Cluentio § 139 *illa oratio potius temporis mei quam iudicii et auctoritatis fuit*, de imp Cn Pompei § 1 *omne meum tempus amicorum temporibus transmittendum putavi.*

tamen] quamvis ex meo tempore non sit.

iudices, consolatur, quod haec quae videtur esse accusatio
mea non potius accusatio quam defensio est existimanda.
defendo enim multos mortales, multas civitates, provinciam
Siciliam totam. quam ob rem, quia unus mihi est accusan-
dus, propemodum manere in instituto meo videor et non
omnino a defendendis hominibus sublevandisque discedere.
quodsi hanc causam tam idoneam, tam inlustrem, tam 6
gravem non haberem, si aut hoc a me Siculi non petissent
aut mihi cum Siculis causa tantae necessitudinis non inter-
cederet, et hoc, quod facio, me rei publicae causa facere
profiterer, ut homo singulari cupiditate, audacia, scelere
praeditus, cuius furta atque flagitia non in Sicilia solum, sed

non potius...quam] Richter well remarks that this = *non tam...... quam*, and compares de orat II § 317 *in qua non vis potius quam* (rather *sed*) *delectatio postulatur.*

defensio] for the views of Cicero and others on the propriety of pleading on the side of the accused rather than on that of the accuser see note on § 1. Compare in particular de off II §§ 49—50 where Cicero allows the part of accuser to be taken only *aut rei publicae aut ulciscendi aut patrocinii causa* and cites his own conduct in this case as an instance of the last.

multos mortales] Gellius XIII 29 (28) cites the same connexion of words from the early historian Claudius Quadrigarius, and gives the comment of Fronto *Quadrigarius 'cum multis mortalibus' Metellum in Capitolium venisse dixit* ἐμφατικώτερον *quam si 'cum multis hominibus' dixisset.* As far as I can discover, Cicero generally uses *mortales* in this sense only with *omnes.*

totam] he might well speak thus. The context here is very different from that of *omnibus* § 2.

6. *idoneam*] as agreeing well with my earlier practice. *inlustrem*, as making me the representative of a whole province. Halm.

causa] here the word bears a very different sense from *causam* above, that of 'connexion', 'relation of friendship'. So ad fam XIII 19 § 1 *sed ea causa etiam cum aliis compluribus, familiaritas tanta nullo cum hospite*, de prov cons § 40 *quae sit mihi ratio et causa cum Caesare*, and perhaps pro Plancio § 27. Richter adds pro Quinctio § 48 *quicum tibi affinitas societas omnes denique causae et necessitudines veteres intercedebant.* Most worthy of note is pro Sulla § 23 *te a me pro magnis causis nostrae necessitudinis monendum esse etiam atque etiam puto*, where the genitive as here is of the same order as *laboris* § 5 on which see note.

rei publicae] not merely *patrocinii causa.* See on § 5 *defensio.*

cupiditate] 'greed'. So pro Quinctio § 53 *respirasset cupiditas atque avaritia paullulum.*

scelere] in abstract sense, being here connected with abstracts. Richter. The only instances I can find are in Pliny, see nat hist XXV § 20 *nec bestiarum solum ad nocendum scelera sunt.*

flagitia] see on § 3.

in Achaia, Asia, Cilicia, Pamphylia, Romae denique ante oculos omnium maxima turpissimaque nossemus, me agente in iudicium vocaretur: quis tandem esset, qui meum factum
7 aut consilium posset reprehendere? 3. quid est, pro deum hominumque fidem, in quo ego rei publicae plus hoc tempore prodesse possim? quid est, quod aut populo Romano gratius esse debeat aut sociis exterisque nationibus optatius esse possit aut saluti fortunisque omnium magis accommodatum sit? populatae, vexatae, funditus eversae provinciae, socii stipendiariique populi Romani adflicti, miseri, iam
8 non salutis spem, sed solacium exitii quaerunt. qui iudicia

Achaia] Greece. *Asia* the Roman province. In these and in Pamphylia he misconducted himself as *legatus* of Cn Dolabella on the way to Cilicia, which province the latter (with Verres for his proquaestor) governed in BC 80 and 79. Halm. *Romae* as *praetor urbanus* in BC 74. These charges are stated in the first book of the second speech or *accusatio* written by Cicero.

iii. 7. *populo Romano*] Richter aptly quotes in illustration II in Verrem III § 127 *quum vero perditis profligatisque sociis vectigalia populi Romani sint deminuta, res frumentaria, commeatus, copiae, salus urbis atque exercituum nostrorum in posteritatem istius avaritia interierit, saltem populi Romani commoda respicite.* See below § 18.

sociis exterisque nationibus] the very comprehensive word *socii* is here employed in a restricted sense to denote the *civitates foederatae et liberae* in the provinces, while *nationes exterae* stands for the mere subject peoples or *stipendiarii*, as II in Verrem IV § 132, I §§ 59, 68, 82 etc. The phrase then is equivalent to *socii stipendiariique* which follows. Halm. See on § 18. In § 66 we have *nationes exterae* as a general term for both.

populatae] see on § 2. The Scholiast remarks 'non a Verre tantum sed ab omnibus: hoc enim vult intellegi, prodesse se velle rei publicae accusationis exemplo'.

stipendiarii] so Caesar BG I 30, 36, VII 10. Such subjects paid a fixed tribute, and this does not refer to the Sicilians, see II in Verrem III § 12 *inter Siciliam ceterasque provincias in agrorum vectigalium ratione hoc interest, quod ceteris aut impositum vectigal est certum, quod stipendiarium dicitur, ut Hispanis et plerisque Poenorum, quasi victoriae praemium ac poena belli, aut censoria locatio constituta est, ut Asiae lege Sempronia. Siciliae civitates sic in amicitiam fidemque recepimus, ut eodem iure essent quo fuissent, eadem condicione populo Romano parerent qua suis antea paruissent.* See also IV § 134, and the remarks of Mommsen bk III c 3 on the condition of the Sicilians.

saluti] their 'well-being', which was past all hoping for. See § 21 *spem exiguam reliquarum fortunarum.*

solacium] in the conviction of their oppressors. Compare § 18 *consolari.*

8. *iudicia*] the right of sitting on juries. For the plural of the

manere apud ordinem senatorium volunt, queruntur accusatores se idoneos non habere; qui accusare possunt, iudiciorum severitatem desiderant: populus Romanus interea, tametsi multis incommodis difficultatibusque adfectus est, tamen nihil aeque in re publica atque illam veterem iudiciorum vim gravitatemque requirit. iudiciorum desiderio tribunicia potestas efflagitata est: iudiciorum levitate ordo quoque alius ad res iudicandas postulatur: iudicum

concrete with the force of an abstract Richter refers to Nägelsbach § 12. Since the *lex Cornelia* of Sulla (BC 81) the *iudicia* had been in the hands of the Senate, as they had been before the *lex Sempronia* of C Gracchus (BC 122). The lenity shewn in dealing with the maladministration of provincial governors brought on an agitation for reform in the constitution of the courts, which had now reached its height. Cicero dexterously works upon the jury, seeking to put them on their good behaviour. But, notwithstanding the uprightness of the jury which tried Verres, the transfer was brought about in this very year by the law of the Praetor L Aurelius Cotta. See Ramsay's Roman Antiquities c IX pp 292—3, and note on I in Verrem § 2. Halm adds II in Verrem V § 178.

accusatores idoneos] for the accusations undertaken at Rome by young men of high birth but lacking experience, merely to gain popularity, see §§ 24, 68, and Merivale's History of the Romans c 44.

iudiciorum severitatem] 'strict administration of justice'. So pro Mur § 10 *pro amici periculo* = 'for a friend in danger'.

severitatem] compare §§ 18, 21 and I in Verrem § 43 *nulla in iudiciis severitas, nulla religio, nulla denique iam existimantur esse iudicia.*

incommodis] from the oligarchic reaction under Sulla. Compare §§ 9, 70.

difficultatibus] the impoverishment and disabilities consequent on the above.

veterem vim] whether the equestrian juries did not shew favour to extortionate tax-farmers (who were of their own order) may well be doubted. See note on I in Verrem § 38.

requirit] 'feels the want of' like *desiderant* above. So §§ 18, 71, pro Mur § 61. See II in Verrem V § 163.

tribunicia potestas] restored earlier in this year by the consul Pompeius. See Velleius II 30 § 4 *hoc consulatu Pompeius tribuniciam potestatem restituit, cuius Sulla imaginem †sine re† reliquerat,* in Verrem §§ 44—45, Appian BC II 29. The agitation for this had been supported by Caesar (see Suet Caesar 5). Their importance in judicial matters consisted, as Halm remarks, in their right of bringing before the *comitia tributa* propositions for the infliction of fines upon corrupt jurymen and magistrates who had overstepped their powers.

ordo alius] *equestris.* Compare I in Verrem § 49, Velleius II 32 § 3, the latter of which gives a singularly inaccurate statement of the result. For the compromise which was actually effected see note on I in Verrem § 2.

culpa atque dedecore etiam censorium nomen, quod aspe-
rius antea populo videri solebat, id nunc poscitur, id iam
9 populare et plausibile factum est. in hac libidine hominum
nocentissimorum, in populi Romani cotidiana querimonia,
iudiciorum infamia, totius ordinis offensione, cum hoc unum
his tot incommodis remedium esse arbitrarer, ut homines
idonei atque integri causam rei publicae legumque susci-
perent, fateor me salutis omnium causa ad eam partem
accessisse rei publicae sublevandae, quae maxime laboraret.
10 nunc, quoniam quibus rebus adductus ad causam ac-
cesserim demonstravi, dicendum necessario est de conten-
tione nostra, ut in constituendo accusatore quid sequi pos-

censorium nomen] the Censorship had been shelved by Sulla (Mommsen bk IV c 10) and was now restored by Pompeius (bk V c 3).

asperius] since BC 86 no *lustrum* had been held until that in the present year, at which the Censors struck off the Senatorial roll a large number of *viri senatorii* for taking bribes as jurors. Halm.

id] catches up the subject and gives prominence to the contrast. Tischer compares II in Verrem IV §§ 116, 123, 130. Halm adds § 56 of this speech. Add § 23.

9. *offensione*] 'discredit'. Halm compares II in Verrem V § 178 *offensio iudiciorum* and the kindred expression II § 117 *existimatio offensa nostri ordinis ac iudiciorum.* See below § 23.

incommodis] as we say 'abuses'. Compare §§ 8, 70.

idonei] men of talent. So § 16 *idonei*, § 25 *ingenium*, § 35 *facultas agendi*, § 36 *ingenii atque eloquentiae.* See also §§ 24, 44, 68.

integri] men of unblemished character, above all suspicion of bribery. So § 25 *fidem*, § 27 *integritatem*, § 29 *firmum verumque*, § 70 *integerrimos.* See also §§ 24, 68.

accessisse] 'that I have come forward to succour the distressed commonwealth in its most suffering part'. Compare I in Verrem §§ 2, 35, 51, and II in Verrem I § 5 *itaque mihi videor, iudices, magnam et maxime aegram et prope depositam rei publicae partem suscepisse, neque in eo magis meae quam vestrae laudi existimationique servisse. accessi enim ad invidiam iudiciorum levandam.*

sublevandae] *ad eam partem rei publicae sublevandae = ad rem publicam ex ea parte sublevandam.* For the gerundive subjoined to the object in order to specify it as the design and purpose of the action that something should be done to the object, compare II in Verrem IV § 82 *is qui laudem gloriamque P Africani tuendam conservandamque suscepit*, Madvig § 422.

It is worth while to notice the medical terms so freely employed in this section, *incommodis, remedium, salutis, sublevandae, laboraret.* Parallels are very numerous.

10. *in constituendo accusatore*] the ordinary equivalent for the technical term *divinatio.* Compare Quintilian VII 4 § 33.

quid sequi possitis] 'something

sitis habeatis. ego sic intellego, iudices: cum de pecuniis
repetundis nomen cuiuspiam deferatur, si certamen inter
aliquos sit, cui potissimum delatio detur, haec duo in primis
spectari oportere: quem maxime velint actorem esse ei,
quibus factae esse dicantur iniuriae, et quem minime velit is,
qui eas iniurias fecisse arguatur. 4. in hac causa, iudices, 11
tametsi utrumque esse arbitror perspicuum, tamen de utro-
que dicam, et de eo prius, quod apud vos plurimum debet
valere, hoc est de voluntate eorum, quibus iniuriae factae
sunt, quorum causa iudicium de pecuniis repetundis est
constitutum. Siciliam provinciam C Verres per triennium
depopulatus esse, Siculorum civitates vastasse, domos ex-
inanisse, fana spoliasse dicitur. adsunt queruntur Siculi

to go by'. Something fixed and definite shewing at once what the issue between Caecilius and myself really is.

sic intellego] 'my way of looking at the case is this'. So pro Mur § 46 *sic intellexi* 'I have come to look at it thus'.

repetundis] for the laws against extortion and misgovernment generally in the provinces see Appendix C and Ramsay's Roman Antiquities p 306. The case of Verres was tried under the *lex Cornelia* of Sulla, passed in BC 81.

nomen deferatur] the first step in a criminal prosecution was the *postulatio* or application to the president of the court for leave to bring the charge. If no dispute between rival prosecutors called for a *divinatio*, the next step was the *nominis delatio.* Compare ad fam VIII 6 § 1 *inter postulationem et nominis delationem uxor a Dolabella discessit.* See Ramsay pp 294—300. Halm remarks that here as elsewhere the *postulatio* is for the sake of brevity included in the phrase *nomen deferatur.* See below §§ 49, 62, 64.

haec duo] this *divisio* is spoken of by Quintilian VII 4 § 33.

maxime velint] for they think him both able and trustworthy.

minime velit] for he has no hope of eluding his vigilance or bribing him into corrupt collusion (*praevaricatio*).

iv. 11. *quorum causa*] compare §§ 17, 65, I in Verrem § 51, II in Verrem IV § 17 *utitur hac lege, qua iudicium est, communi arce sociorum.* The *lex Calpurnia de repetundis* of BC 149, the first of a series of enactments on this subject, established the first of the *quaestiones perpetuae* or standing commissions for the trial of certain classes of offences.

dicitur] = it is maintained that ...... In § 58 we have the same word in a weaker sense, or rather altered by the context.

adsunt queruntur] for the omission of the copula (asyndeton) see Madvig § 434. Halm compares II in Verrem I § 3 *adsit respondeat*, pro Quinctio § 75 *adsunt defendunt.* Add pro Mur § 19 *vigilavit laboravit*, pro Sestio § 1 *violarint vexarint perturbarint everterint.*

universi: ad meam fidem, quam habent spectatam iam et
cognitam, confugiunt: auxilium sibi per me a vobis atque a
populi Romani legibus petunt: me defensorem calamitatum
suarum, me ultorem iniuriarum, me cognitorem iuris sui, me
12 actorem causae totius esse voluerunt. utrum, Q Caecili,
hoc dices, me non Siculorum rogatu ad causam accedere, an
optimorum fidelissimorumque sociorum voluntatem apud
hos gravem esse non oportere? si id audebis dicere, quod
C Verres, cui te inimicum esse simulas, maxime existimari
vult, Siculos hoc a me non petisse, primum causam inimici
tui sublevabis, de quo non praeiudicium, sed plane iudicium
iam factum putatur, quod ita percrebruit, Siculos omnes ac-

fidem] honour, good faith. Compare §§ 2, 5, I in Verrem § 34.

habent spectatam] for the force of *habeo* with the perfect participle see Madvig § 427.

cognitorem] Festus p 57 *cognitor est qui litem alterius suscipit coram eo cui datus est. procurator autem absentis nomine actor fit.* For the different kinds of agents employed to represent parties to a civil suit, and in particular the formalities observed in the appointment of a *cognitor*, see Gaius IV §§ 82, 83. Compare pro Rosc com §§ 53, 54, II in Verrem II §§ 106, 107. The present was a criminal case, but, as Halm remarks, the *socii* as *peregrini* could only plead through a plenipotentiary agent. In § 54 we have *defensorem sui iuris*.

12. *dices*] the MSS are divided here, and Halm takes the other reading *dicis*: but the context favours *dices* which I have accordingly adopted following Zumpt and Richter. So § 52 *quid enim dices?*

fidelissimorum] also of longest standing. Halm compares II in Verrem V § 115 *Siculi fidelissimi atque antiquissimi socii*, II § 2 where the claims of Sicily are set forth in a studied panegyric.

inimicum] the Roman feeling was that unless an *accusator* and *reus* were personal enemies there could be no security against the former being bribed to play into the hands of the latter (*praevaricari*).

primum] 'to begin with', πρῶτον μέν.

non praeiudicium] not a recorded verdict, more or less directly affecting this case; but a literal verdict in this case, tantamount to a condemnation of Verres. Compare pro Cluentio § 59 *apud eosdem iudices reus est factus, quum his duobus praeiudiciis iam damnatus esset: ab iisdem autem iudicibus, qui Fabriciorum damnatione de Oppianico iudicarant, locus ei primus est constitutus:...accusatus est apud eos qui Scamandrum ministrum Oppianici C Fabricium conscium maleficii condemnarant*, pro Plancio § 55 *cur non eius damnatione aliquid ad hoc iudicium praeiudicii comparasti?* See also Quintilian V 2, VI 5 § 10. The sense in general may be illustrated by I in Verrem §§ 2, 35. Halm refers also to II in Verrem III § 153.

torem suae causae contra illius iniurias quaesisse. hoc si tu 13
inimicus eius factum negabis, quod ipse cui maxime haec
res obstat negare non audet, videto ne nimium familiariter
inimicitias exercere videare. deinde sunt testes viri claris-
simi nostrae civitatis, quos omnes a me nominari non est
necesse: eos qui adsunt appellabo, quos, si mentirer, testes
esse impudentiae meae minime vellem. scit is, qui est in
consilio, C Marcellus; scit is, quem adesse video, Cn
Lentulus Marcellinus: quorum fide atque praesidio Siculi
maxime nituntur, quod omnino Marcellorum nomini tota
illa provincia adiuncta est. hi sciunt hoc non modo a me 14
petitum esse, sed ita saepe et ita vehementer esse petitum,
ut aut causa mihi suscipienda fuerit aut officium necessi-
tudinis repudiandum. sed quid ego his testibus utor, quasi

quaesisse] Richter explains the argument by II in Verrem II § 9 *in neminem civitates ante hunc testimonium publice dixerunt.* At the same time he suspects that *me* has dropped out in this clause.

13. *nimium familiariter*] for the irony in this sentence compare Caelius in ad fam VIII 6 § 1 *nunc si ad illam summam veritatem legitimum ius exegeris, cavendum tibi erit ne parum simpliciter et candide posuisse inimicitias videaris.*

deinde] ἔπειτα. Not only will you be involved in a self-contradiction, but you will be utterly refuted by crushing evidence.

in consilio] iudicum.

C Marcellus] who after his Praetorship had with the title of Proconsul proceeded to Sicily in BC 79 as successor of Marcus Lepidus who had left behind him an ill name by reason of his extortions. Cicero often praises the administration of this Marcellus. Halm on II in Verrem IV § 86.

adesse video] in the *corona*. So *qui adsunt* in § 1.

Mārcellinus] consul in BC 56 when he strenuously opposed Pompeius and Clodius. He was now a strong supporter of the Sicilians. Born a Marcellus, he had been adopted by Cn Corn Lentulus. Hence the termination *inus*. Ordinarily the gentile name (*nomen*) would have been the one retained in a changed form. On this principle he would have been *Claudianus* (compare *Aemilianus*), but, lest he should be supposed to have belonged to one of the patrician families of the *gens Claudia* being a plebeian Marcellus, he preferred to carry with him his old *cognomen* with the above change (compare *Rufinus*, *Paullinus*). Orelli and Baiter's Onomasticon.

Marcellorum nomini] see on § 2 *veteribus*.

14. *officium necessitudinis*] the obligation under which my close connexion with them placed me. This is the genitive of possession or relation, for which see Nägelsbach § 100 p 275. Compare § 46 *sortis religionem*, § 61 *coniunctionem sortis*, pro Mur § 73 *officium neces-*

res dubia aut obscura sit? adsunt homines ex tota provincia nobilissimi, qui praesentes vos orant atque obsecrant, iudices, ut in actore causae suae deligendo vestrum iudicium ab suo iudicio ne discrepet. omnium civitatum totius Siciliae legationes adsunt praeter duas civitates: quarum duarum si adessent, duo crimina vel maxima minuerentur, quae cum
15 his civitatibus C Verri communicata sunt. at enim cur a me potissimum hoc praesidium petiverunt? si esset dubium petissent necne, dicerem cur petissent: nunc vero cum id ita perspicuum sit, ut oculis iudicare possitis, nescio cur hoc mihi detrimento esse debeat, si id mihi obiciatur,
16 me potissimum esse delectum. verum id mihi non sumo, iudices, et hoc non modo in oratione mea non pono, sed

situdinis, § 56 *odio inimicitiarum*, pro Sestio § 10 *officium vicinitatis*, I in Verrem § 54 *oblivionem diuturnitatis*, pro Plancio § 72 *onus beneficii*, § 74 *officii servitutem*.

quasi sit] in all propositions annexed by particles of comparison, in which something is stated that does not actually exist but is only assumed for the sake of comparison, the subjunctive is used. Madvig § 349. Compare de finibus V § 42 *parvi primo ortu sic iacent tanquam omnino sine animo sint*.

ut ne discrepet] in objective propositions after verbs denoting a wish *ut......ne* is often employed instead of *ne*, by which is expressed first of all the object or design in general, and afterwards the negation. Madvig § 456. Compare ad fam IV 1 § 2 *Trebatio mandavi ut si quid tu eum velles ad me mittere ne recusaret*.

duas] here I have kept the MSS reading, following Zumpt and Richter. *praeter duas = praeter legationes duarum* (*civitatum*). For the abbreviated form of comparison see the notes of Kühner on Tusc disp I § 2 and of Professor Mayor on Juvenal III 74 *sermo Isaeo torrentior*, also Madvig § 280 obs 2.

The two states referred to are Messana (II in Verrem IV §§ 15—17) and Syracuse (II §§ 45—47, IV § 138).

duo crimina] for the Mamertines see II in Verrem IV §§ 19—21, for the Syracusans II §§ 45—47, IV § 139.

communicata] = *communia*, and constructed accordingly. Compare with Halm pro Rosc Amer § 142 *ille improbissimus Chrysogoni fautor qui sibi cum illo rationem communicatam putat*.

15. *at enim*] 'but, it may be urged'. The regular usage, see Madvig § 437 c.

dicerem] 'I would say' (though now I will not). He does however state it further on in § 16 *unius cuiusque temporis*........

oculis] see on § 27.

detrimento] see Mr Roby on the 'predicative dative' in preface to vol II of his grammar.

16. *non sumo*] so in pro Plancio § 3.

non pono] compare the end of

ne in opinione quidem cuiusquam relinquo, me omnibus patronis esse praepositum. non ita est, sed unius cuiusque temporis, valetudinis, facultatis ad agendum ducta ratio est. mea fuit semper haec in hac re voluntas et sententia, quemvis ut hoc mallem de iis, qui essent idonei, suscipere quam me, me ut mallem quam neminem.

5. reliquum est iam ut illud quaeramus, cum hoc con- 17
stet Siculos a me petisse, ecquid hanc rem apud vos animosque vestros valere oporteat, ecquid auctoritatis apud vos in suo iure repetundo socii populi Romani, supplices vestri, habere debeant. de quo quid ego plura commemorem? quasi vero dubium sit quin tota lex de pecuniis repetundis

§ 26, pro Plancio § 71 *posuit hoc idem Laterensis*, ad fam I 9 § 21 *ut paullo ante posui*.

omnibus] 'to all the rest of the *patroni* (of Sicily)'. See note on § 61 and compare de nat deor II § 138 *ex his partibus et sanguis per venas in omne corpus diffunditur et spiritus per arterias*, Phil II § 64.

temporis] see on § 5. The Scholiast here remarks '*temporis*, Marcelli iudicantis tunc: *valetudinis*, Marcellini, quod erat tunc infirmior valetudine corporis: *facultatis*, alterius Marcelli iuris magis studiosi quam eloquentiae'. How far this information is to be trusted as to the two last I know not.

ad agendum] Richter compares II in Verrem V § 89 *aliqua tamen ad resistendum ratio fuisset*. Here however *ratio* = 'account' (has been taken).

neminem] Caecilius is of course meant. Compare § 47 *nihil est nihil potest*.

V. 17. *suo iure repetundo*] for Verres had taken from them more than they were legally bound to provide. See on § 19. Halm. Richter compares pro Caecina § 9 *si alia ratione ius nostrum recuperare possemus*.

supplices] used as a substantive. so I in Verrem § 53 *antea socii atque amici populi Romani, nunc servi ac supplices*, pro Cluentio § 200, pro Mur § 86.

quasi vero] so de off III § 39, pro Mur § 35, 75, etc.

tota lex] though it is true that Roman citizens could also make use of the law, especially since the *lex Servilia* of 106 or 105 BC had extended the operation of the prosecutions *repetundarum* so as to apply to all magistrates and also to jurors for corrupt administration of justice; still Cicero is here only thinking of the main contents of the law, which indisputably concerned the *socii* in particular. Moreover almost all the trials for *repetundae* of which we know relate to extortions in the provinces. Compare II in Verrem II § 15 *at enim istum Siculi soli persequuntur, cives Romani, qui in Sicilia negotiantur, defendunt diligunt salvum esse cupiunt. primum, si ita esset, tamen vos in hac quaestione de pecuniis repetundis, quae sociorum causa constituta est lege iudicioque sociali, sociorum querimonias audire oporteret*. Halm. [See however Appendix C.]

res dubia aut obscura sit? adsunt homines ex tota pro-
vincia nobilissimi, qui praesentes vos orant atque obsecrant,
iudices, ut in actore causae suae deligendo vestrum iudicium
ab suo iudicio ne discrepet. omnium civitatum totius Sici-
liae legationes adsunt praeter duas civitates: quarum duarum
si adessent, duo crimina vel maxima minuerentur, quae cum
15 his civitatibus C Verri communicata sunt. at enim cur
a me potissimum hoc praesidium petiverunt? si esset du-
bium petissent necne, dicerem cur petissent: nunc vero
cum id ita perspicuum sit, ut oculis iudicare possitis, nescio
cur hoc mihi detrimento esse debeat, si id mihi obiciatur,
16 me potissimum esse delectum. verum id mihi non sumo,
iudices, et hoc non modo in oratione mea non pono, sed

situdinis, § 56 *odio inimicitiarum*, pro Sestio § 10 *officium vicinitatis*, I in Verrem § 54 *oblivionem diuturnitatis*, pro Plancio § 72 *onus beneficii*, § 74 *officii servitutem*.

quasi sit] in all propositions annexed by particles of comparison, in which something is stated that does not actually exist but is only assumed for the sake of comparison, the subjunctive is used. Madvig § 349. Compare de finibus V § 42 *parvi primo ortu sic iacent tanquam omnino sine animo sint*.

ut ne discrepet] in objective propositions after verbs denoting a wish *ut......ne* is often employed instead of *ne*, by which is expressed first of all the object or design in general, and afterwards the negation. Madvig § 456. Compare ad fam IV 1 § 2 *Trebatio mandavi ut si quid tu eum velles ad me mittere ne recusaret*.

duas] here I have kept the MSS reading, following Zumpt and Richter. *praeter duas=praeter legationes duarum* (*civitatum*). For the abbreviated form of comparison see the notes of Kühner on Tusc disp I § 2 and of Professor Mayor on Juvenal III 74 *sermo Isaeo torrentior*, also Madvig § 280 obs 2.

The two states referred to are Messana (II in Verrem IV §§ 15—17) and Syracuse (II §§ 45—47, IV § 138).

duo crimina] for the Mamertines see II in Verrem IV §§ 19—21, for the Syracusans II §§ 45—47, IV § 139.

communicata]=*communia*, and constructed accordingly. Compare with Halm pro Rosc Amer § 142 *ille improbissimus Chrysogoni fautor qui sibi cum illo rationem communicatam putat*.

15. *at enim*] 'but, it may be urged'. The regular usage, see Madvig § 437 c.

dicerem] 'I would say' (though now I will not). He does however state it further on in § 16 *unius cuiusque temporis.........*

oculis] see on § 27.

detrimento] see Mr Roby on the 'predicative dative' in preface to vol II of his grammar.

16. *non sumo*] so in pro Plancio § 3.

non pono] compare the end of § 26, pro Plancio § 71 *posuit hoc idem Laterensis*, ad fam I 9 § 21 *ut paullo ante posui*.

ne in opinione quidem cuiusquam relinquo, me omnibus
patronis esse praepositum. non ita est, sed unius cuiusque
temporis, valetudinis, facultatis ad agendum ducta ratio est.
mea fuit semper haec in hac re voluntas et sententia, quem-
vis ut hoc mallem de iis, qui essent idonei, suscipere quam
me, me ut mallem quam neminem.
5. reliquum est iam ut illud quaeramus, cum hoc con- 17
stet Siculos a me petisse, ecquid hanc rem apud vos ani-
mosque vestros valere oporteat, ecquid auctoritatis apud vos
in suo iure repetundo socii populi Romani, supplices vestri,
habere debeant. de quo quid ego plura commemorem?
quasi vero dubium sit quin tota lex de pecuniis repetundis

omnibus] 'to all the rest of the *patroni* (of Sicily)'. See note on § 61 and compare de nat deor II § 138 *ex his partibus et sanguis per venas in omne corpus diffunditur et spiritus per arterias*, Phil II § 64.

temporis] see on § 5. The Scholiast here remarks '*temporis*, Marcelli iudicantis tunc: *valetudinis*, Marcellini, quod erat tunc infirmior valetudine corporis: *facultatis*, alterius Marcelli iuris magis studiosi quam eloquentiae'. How far this information is to be trusted as to the two last I know not.

ad agendum] Richter compares II in Verrem V § 89 *aliqua tamen ad resistendum ratio fuisset*. Here however *ratio* = 'account' (has been taken).

neminem] Caecilius is of course meant. Compare § 47 *nihil est nihil potest*.

V. 17. *suo iure repetundo*] for Verres had taken from them more than they were legally bound to provide. See on § 19. Halm. Richter compares pro Caecina § 9 *si alia ratione ius nostrum recuperare possemus*.

supplices] used as a substantive. so I in Verrem § 53 *antea socii atque amici populi Romani, nunc servi ac supplices*, pro Cluentio § 200, pro Mur § 86.

quasi vero] so de off III § 39, pro Mur § 35, 75, etc.

tota lex] though it is true that Roman citizens could also make use of the law, especially since the *lex Servilia* of 106 or 105 BC had extended the operation of the prosecutions *repetundarum* so as to apply to all magistrates and also to jurors for corrupt administration of justice; still Cicero is here only thinking of the main contents of the law, which indisputably concerned the *socii* in particular. Moreover almost all the trials for *repetundae* of which we know relate to extortions in the provinces. Compare II in Verrem II § 15 *at enim istum Siculi soli persequuntur, cives Romani, qui in Sicilia negotiantur, defendunt diligunt salvum esse cupiunt. primum, si ita esset, tamen vos in hac quaestione de pecuniis repetundis, quae sociorum causa constituta est lege iudicioque sociali, sociorum querimonias audire oporteret*. Halm. [See however Appendix C.]

18 sociorum causa constituta sit. nam civibus cum sunt ereptae pecuniae, civili fere actione et privato iure repetuntur: haec lex socialis est, hoc ius nationum exterarum est, hanc habent arcem, minus aliquanto nunc quidem munitam quam antea, verum tamen, si qua reliqua spes est, quae sociorum animos consolari possit, ea tota in hac lege posita est, cuius legis non modo a populo Romano, sed etiam ab ultimis nationi-
19 bus iam pridem severi custodes requiruntur. quis ergo est qui neget oportere eorum arbitratu lege agi quorum causa lex sit constituta? Sicilia tota si una voce loqueretur hoc diceret: 'quod auri, quod argenti, quod ornamentorum in meis urbibus, sedibus, delubris fuit, quod in una quaque re beneficio senatus populique Romani iuris habui, id mihi tu,

18. *civili actione*] properly opposed to *actio praetoria*, and was founded on a law, while the latter was introduced by the Praetor's edict. The terms 'statute law' and 'case law' present an analogous opposition. Here (as Halm remarks) the opposite in sense would be *actio socialis*.

fere] 'for the most part'. It was not true universally. See note on *tota lex* above.

privato iure] the legal right applicable to individual citizens, administered by the *praetor urbanus*, opposed to the *ius gentium* which embraced the legal rules affecting *peregrini*, or citizens and *peregrini* in their mutual relations. Halm. Render 'restitution is for the most part claimed through a civil suit and the law applicable to citizens'.

nationum exterarum] compare §§ 7, 63, I in Verrem §§ 1, 2, 4, 41.

nunc quidem] the introduction of *quidem* here corresponds closely to its use with pronouns (*tu quidem, ille quidem* etc) for which see Madvig § 489 b.

quam antea] in the days of the equestrian juries. See on § 8.

verum tamen] catching up what had gone before, and giving the sentence another turn: 'but, as I was going to say',......Compare II in Verrem III § 4, pro Mur § 21. *ut dixi* in § 19 is an equivalent.

consolari] so § 7 *solacium*.

a populo Romano] see on § 7.

severi] see on § 8. *custodes*, namely the juries.

requiruntur] see on § 8. Probably *requirerent* in § 2 bears the same meaning.

19. *lege agi*] that legal proceedings should be carried on. *lege agere* is literally, to plead in a set form of words. Halm. But Richter cites II in Verrem II § 39 as an instance of the active used in the more general sense.

loqueretur] = *loqui posset*. For the figure προσωποποιία, *ficta alienae personae oratio*, see Quintilian VI 1 § 25. Richter. Compare also pro Plancio § 12.

sedibus] dwellings of any kind whether in town or country. Halm compares II in Verrem II §§ 9, 157, III §§ 46, 128, 228.

iuris] the *ius* of the Sicilians

C Verres, eripuisti atque abstulisti, quo nomine abs te sestertium miliens ex lege repeto'. si universa, ut dixi, provincia loqui posset, hac voce uteretur: quoniam id non poterat, harum rerum actorem quem idoneum esse arbitrata est ipsa delegit. in eius modi re quisquam tam impudens 20
reperietur, qui ad alienam causam invitis iis quorum negotium est accedere aut adspirare audeat? 6. si tibi, Q Caecili, hoc Siculi dicerent: 'te non novimus, nescimus qui sis, numquam te antea vidimus, sine nos per eum nostras fortunas defendere, cuius fides est nobis cognita': nonne id dicerent, quod cuivis probare deberent? nunc hoc dicunt: utrumque se nosse; alterum se cupere defensorem esse for-

was founded upon the *lex Rupilia* of BC 132. For the constitution of the *iura provinciarum* by senatorial commissions, see Ramsay p 186. Halm refers to II in Verrem II § 40 *cum senatus consultum intercederet, cuius consulto P Rupilius de decem legatorum sententia leges in Sicilia constituerat; cum omnes ante te praetorem Rupilias leges et in ceteris rebus et in iudiciis maxime servassent*......

quo nomine] Halm compares II in Verrem I § 23 *hoc uno nomine*, Velleius I 3 § 2 *quo nomine mirari convenit eos qui*......As Richter remarks, it almost = *qua de causa*. See pro Rosc com § 40 *alio nomine et alia de causa abstulisse*, pro Plancio § 68.

sestertium miliens] but in I in Verrem § 56 and II in Verrem I § 27 we find it stated that Verres had carried off *sestertium quadringentiens*. If both numbers are to be taken as exact, the apparent inconsistency will only be removed by supposing with Zumpt (quoted by Halm) that the *lex Cornelia* imposed a penalty $2\frac{1}{2}$ times the amount of the sum extorted. *ex lege* here seems to agree with this view.

universa] = *una voce* above.

non poterat] the προσωποποιία is cleverly made to keep in the background the fact that the province could only plead through a representative. See on *cognitorem* § 11. Halm.

20. *quisquam*] stands first in questions with the force of a negative, Madvig § 494 a. So § 60 *quemquam*, § 65 *quisquam*, de nat deor III § 70 *quisquamne istuc negat?*

adspirare] weaker than *accedere*. This word is in classical Latin only used in negative clauses. Compare § 51, II in Verrem I § 142 *quid enim quisquam ad meam pecuniam me invito adspirat*, Brutus § 84 *ex bellica laude aspirare ad Africanum nemo potest*, pro Caecina § 39, in Pisonem § 11, Verg Aen XII 352. See Nägelsbach § 132 p 382.

VI. *qui sis*] *qui* as usual an adjective, Madvig § 88. 'We know not what sort of man you be'.

cuivis] 'any one you please'. See Roby §§ 2278, 2281. Seneca dial IX 11 § 8 quotes the line of Publius *cuivis potest accidere quod cuiquam potest*.

21 tunarum suarum, alterum plane nolle. cur nolint, etiam si taceant, satis dicunt; verum non tacent: tamen iis invitissimis te offeres? tamen in aliena causa loquere? tamen eos defendes, qui se ab omnibus desertos potius quam abs te defensos esse malunt? tamen iis operam tuam pollicebere, qui te neque velle sua causa nec, si cupias, posse arbitrantur? cur eorum spem exiguam reliquarum fortunarum, quam habent in legis et in iudicii severitate positam, vi extorquere conaris? cur te interponis invitissimis iis, quibus maxime lex consultum esse vult? cur de quibus in provincia non optime es meritus, eos nunc plane fortunis omnibus conaris evertere? cur iis non modo persequendi iuris sui, sed etiam
22 deplorandae calamitatis adimis potestatem? nam te actore quem eorum adfuturum putas, quos intellegis non ut per te alium, sed ut per alium aliquem te ipsum ulciscantur laborare?

7. at enim solum id est, ut me Siculi maxime velint:

21. *taceant*] the subjunctive, as the condition is not only expressed but negatived, Madvig § 361 obs 2. So below *si cupias*, § 29 *si putem, si dicam, si maxime cupias.*

satis dicunt] compare § 23 *tacitus adsentiare*, pro Sestio § 40 *tacendo loqui*, pro Plancio § 43 *tacitum testem.*

potius malunt] *potius* is really superfluous. See Madvig § 308 obs 2, and compare de orat II § 300 *quum quidem ei fuerit optabilius oblivisci posse potius quod meminisse nollet.*

defensos esse malunt] so below *consultum esse vult*, but in I in Verrem § 18 *nominatum volo*, which latter is the more usual construction. On both constructions see Madvig § 396 obs 2.

sua causa] for their sake, in their interests. Halm compares ad Q fratrem I 4 § 5 *credo tua causa velle Lentulum.* Madvig § 256. See on I in Verrem § 23.

eorum spem fortunarum] for the double genitive compare Brutus § 163 *Scaevolae dicendi elegantia.* Madvig § 288.

interponis] thrust yourself in (a) as a helper or champion, compare *laborem* or *operam interponere* § 63, and (b) as a hindrance. The two shades of meaning here run into one another. For Cicero's artful selection of words to convey such inuendoes compare pro Mur § 60 *peccas, te regere possum*, § 62 *inductus.* See below on §§ 22, 23.

in provincia] as Quaestor.

deplorandae calamitatis] for if Caecilius were chosen to plead their case they would not only not be represented by proper counsel but would not appear as witnesses themselves. See *adfuturum* § 22, *adfuturos* § 28.

22. *te*] as an accomplice of Verres. See §§ 29—35.

vii. *solum id est*] *id*=the thing that happens, *ut velint* expressing that to which *id* refers. See Madvig § 374. Compare I in Verrem § 40 *hoc factum esse, ut notarentur*, Brutus § 84 *sed est mos hominum, ut nolint eundem pluribus rebus excellere.* Render 'but, it will be said, thus much only is established ...the preference of the Sicilians for me'. Some would here read *solidum* for the MSS *solum*, but I can find no support for this emendation of a perfectly intelligible passage.

alterum illud, credo, obscurum est, a quo Verres minime se accusari velit. ecquis umquam tam palam de honore, tam vehementer de salute sua contendit, quam ille atque illius amici, ne haec mihi delatio detur? sunt multa, quae Verres in me esse arbitratur, quae scit in te, Q Caecili, non esse; quae cuius modi in utroque nostrum sint, paulo post commemorabo: nunc tantum id dicam, quod tacitus tu mihi 23
adsentiare, nullam rem in me esse, quam ille contemnat, nullam in te, quam pertimescat. itaque magnus ille defensor et amicus eius tibi suffragatur, me oppugnat; aperte ab iudicibus petit ut tu mihi anteponare, et ait hoc se honeste sine ulla invidia ac sine ulla offensione contendere. 'non enim', inquit, 'illud peto, quod soleo, cum vehementius contendi,

de honore] from what I can make out as to the usage of *contendo* I believe that we have here also two shades of meaning in one word: (a) *contendere de honore* or *salute*=to strive to preserve an official *honos* or the civic status (*caput*), the former probably referring to men accused of corrupt practices at elections (*ambitus*): (b) *contendere ne......detur*=to use every means to prevent......being assigned to me. In full we might have had *de honore suo retinendo, de salute sua tuenda*, and *nunc* after *quam* to answer *umquam* above.

multa] 'many qualities', enumerated in §§ 35—51.

23. *contemnat*] 'makes light of'. Compare Philippic II § 118 *contempsi Catilinae gladios, non pertimescam tuos*, Iuv X 123 *Antoni gladios potuit contemnere si sic omnia dixisset.* So below §§ 24, 35, 39.

defensor] Hortensius, who was now *dominus iudiciorum*, see § 24, I in Verrem § 35, II in Verrem V § 175.

aperte] 'openly', conveying the further meaning of 'unblushingly'. Compare Philippic II § 111 *disertissimum cognovi avum tuum at te etiam apertiorem in dicendo* (alluding to the undress in which Antonius had addressed the people), pro Mur § 51 *ille* (Catilina) *ut semper fuit apertissimus.*

invidia] 'odium' such as might be expected to be incurred by the jury if they voted dishonestly. The words at the end of the section illustrate this.

offensione] so § 9.

contendere] begs, presses this point. Compare ad Q fratrem III I § 15 *Pompeius a me valde contendit de reditu in gratiam.*

cum contendi] customarily, hence the perfect indicative. Madvig § 335 b obs 1.

vehementius] that is, with money. Richter.

impetrare: reus ut absolvatur non peto, sed ut potius ab hoc quam ab illo accusetur, id peto. da mihi hoc, concede quod facile est, quod honestum, quod non invidiosum: quod cum dederis, sine ullo tuo periculo, sine infamia illud de-
24 deris, ut is absolvatur, cuius ego causa laboro'. et ait idem, ut aliquis metus adiunctus sit ad gratiam, certos esse in consilio, quibus ostendi tabellas velit: id esse perfacile; non enim singulos ferre sententias, sed universos constituere: ceratam uni cuique tabellam dari cera legitima, non illa in-

non peto] that is, not directly but indirectly. Halm.

id] catching up the object. See on § 8 *id nunc poscitur*.

da] note the singular, though he says above *ab iudicibus*. The sting of the passage seems to me to be sharpened by making Hortensius address himself to the jurors in detail with a meaning look. The use of the imperative *age* addressed to more than one person (Madvig § 132 b) cannot be compared with this.

dederis......dederis] simultaneous, since the one is implied by and contemporaneous with the other. Richter.

sine ullo periculo] a *divinatio* was not a regular trial, and the jury were not sworn. Hence they would not run the risk of being prosecuted for a corrupt vote.

infamia] so § 9.

24. *metus*] some fear, to back up his influence. This is the most general term for fear in the Latin tongue, as will be seen on referring to Tusc disp IV §§ 8—19 where Cicero uses it throughout to render φόβος. It is then better not to translate it 'intimidation'.

certos] not *quosdam*, as they are well known to him. So we say 'persons who shall be nameless'. See on I in Verrem § 22.

tabellas] since BC 137 the votes of juries in criminal cases had been given by ballot. Each juror received a small tablet coated with wax. Upon this he wrote either A=*absolvo*, C=*condemno* or NL =*non liquet*. He then bared his arm (hiding however the mark on the tablet with his fingers) and openly deposited it in the ballot-urn. This he did in the turn assigned him by lot. In a *divinatio* it seems, as far as we can infer from this passage, that the votes were all given together. This would make it an easy matter for the confidential agents of Hortensius to keep an eye upon bribed jurors. This precaution was necessary to prevent the latter from taking a bribe on one side and then voting on the other. See I in Verrem § 39, II in Verrem II § 79, and Appendix C.

constituere] accusatorem. A *divinatio* was a *quaestio de constituendo accusatore*.

non illa infami] in a trial *de repetundis* BC 75, with which Hortensius had been concerned as counsel for the defence, he had kept a check upon the votes of the bribed jurors by taking care to have them provided with tablets coated with wax of a colour different from that of the rest. Cicero often alludes to this disgraceful

fami ac nefaria. atque is non tam propter Verrem laborat, quam quod eum minime res tota delectat. videt enim, si a pueris nobilibus, quos adhuc elusit, si a quadruplatoribus, quos non sine causa contempsit semper ac pro nihilo putavit, accusandi voluntas ad viros fortes spectatosque homines translata sit, sese in iudiciis diutius dominari non posse.
8. huic ego homini iam ante denuntio, si a me causam 25
hanc vos agi volueritis, rationem illi defendendi totam esse mutandam, et ita mutandam, ut meliore et honestiore condicione quam qua ipse vult imitetur homines eos quos ipse vidit amplissimos L Crassum et M Antonium, qui nihil se

affair, see I in Verrem §§ 17, 40. Halm adds II in Verrem II § 79, V § 173.

pueris] the *imperiti adolescentuli* of § 68. See on § 8. Halm remarks that *nobilibus* is scornfully added, as if only the young *nobiles* had a prescriptive right to win popular favour by undertaking to bring offenders to justice. We must remember that Cicero had himself started as a *novus homo*.

elusit] 'has set at nought'. Compare § 45, I in Verrem § 30, Livy I 36, 48. Quintilian IX 2 § 58 speaking of mimicry says *est enim posita fere in eludendo*= 'it is mostly employed in making fun of others'.

quadruplatoribus] Festus (restored by Müller) p 258 says *quadriplatores dicebantur qui eo quaestus genere se tuebantur, ut eas res persequerentur quarum ex legibus quadrupli erat actio.* Whatever the original derivation, the word meant in Cicero's time false and corrupt accusers who made a trade of prosecutions or at least of threatening to prosecute. Halm remarks that in II in Verrem II § 22 *calumniator* and *quadruplator* are used as convertible terms. Compare the Athenian συκοφάνται.

dominari] see on *defensor* § 23.

viii. 25. *denuntio*] so I in Verrem § 36. The word is commonly used in speaking of a formal declaration of war.

rationem] 'plan' or 'system' of defence. Compare I in Verrem § 34, II in Verrem V § 173 *non est alienum meis rationibus*, pro Mur § 46 *in ista ratione*, § 83 *petunt enim rationes illius ut orbetur auxilio res publica*.

et ita mutandam] Richter compares de imp Cn Pomp § 7 *regnat et ita regnat*, § 10 *dicam et ita dicam*. The addition of *tamen* after *ita* rests on doubtful authority, and is not needed here. I therefore omit it with Halm and Richter. Render 'must be radically changed and changed in the direction of'...So I paraphrase *ita ...ut*.

condicione] 'principle'. Compare pro Caecina § 40 *videte quam condicionem vobismet ipsis constituere velitis*, pro Flacco § 24 *multa enim sunt eius modi, iudices, ut etiam si in homine ipso de quo agitur neglegenda sint tamen in condicione atque in exemplo pertimescenda videantur*, pro Mur § 60. See Nägelsbach § 64 p 174.

ipse vidit] Hortensius was born

arbitrabantur ad iudicia causasque amicorum praeter fidem et ingenium adferre oportere. nihil erit, quod me agente arbitretur iudicium sine magno multorum periculo posse
26 corrumpi. ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror, ut mihi non unus homo improbus opprimendus sit, id quod Siculi petiverunt, sed omnino improbitas, id quod populus Romanus iam diu flagitat, extinguenda atque delenda sit. in quo quid eniti aut quid efficere possim, malo in aliorum spe relinquere quam in oratione mea ponere.

27 tu vero, Caecili, quid potes? quo tempore aut qua in re non modo ceteris specimen aliquod dedisti, sed tute tui periculum fecisti? in mentem tibi non venit, quid negotii sit causam publicam sustinere, vitam alterius totam expli-

in BC 106. His precocity was remarkable. He began his career as an orator in his 19th year, see Brutus §§ 228, 229. The great leaders of the Roman bar of those days, Crassus (died BC 91) and Antonius (died BC 87), would therefore come within his remembrance.

nihil praeter fidem et ingenium] Cicero tells us what he would exclude, II in Verrem V § 174 *si quid artificio, consilio, potentia, gratia, copiis istius moliri cogitas, magno opere censeo desistas.* Halm.

iudicium] the court that was to try Verres, not the jury in the *divinatio.* Hence below *in aliorum spe relinquere.*

periculo] a threat 'if I conduct the prosecution, I warn jurors to be cautious, or they will find themselves in trouble'.

26. *mihi*] see on § 40.

receptam—susceptam] *receptam* as in duty bound, *susceptam* of my own free will. Halm well quotes de orat II § 101 *in quo est illa quidem magna offensio vel neglegentiae susceptis rebus vel perfidiae receptis.* Compare also II in Verrem II § 1 *recepi enim causam Siciliae...suscepi causam rei publicae*, pro Plancio § 6. See Madvig on de fin I § 68. But in I in Verrem § 34 we find the words confused. Richter refers to auct ad Herenn IV § 29 where as an instance of *adnominatio confecta transferendis litteris* we find *deligere oportet quem velis diligere*, the assonance in which is like that in the present passage.

omnino improbitas] he threatens to 'make an example' of all who might seek to save Verres by corrupt practices, and thus warn men in future to beware of such proceedings.

ponere] compare § 16.

27. *non modo*] 'I do not say'. See on § 34.

specimen] 'a sample'.

causam publicam] a case before one of the *iudicia publica* or criminal tribunals. *sustinere.* So §§ 35, 73.

vitam] Roman orators were fond of bringing up any weak points in a man's previous life to give a colour to the charges made. Compare pro Mur § 11 *in reprehensione vitae*, Quintilian VII 1 § 12, 2 §§ 33, 34.

care, atque eam non modo in animis iudicum, sed etiam in oculis conspectuque omnium exponere? sociorum salutem, commoda provinciarum, vim legum, gravitatem iudiciorum defendere? 9. cognosce ex me, quoniam hoc primum tempus discendi nactus es, quam multa esse oporteat in eo, qui alterum accuset: ex quibus si unum aliquod in te cognoveris, ego iam tibi ipse istuc quod expetis mea voluntate concedam. primum integritatem atque innocentiam singularem: nihil est enim, quod minus ferendum sit, quam rationem ab altero vitae reposcere eum, qui non possit suae reddere. hic ego de te plura non dicam: unum illud credo 28
omnes animadvertere, te adhuc a nullis nisi ab Siculis potuisse cognosci: Siculos hoc dicere, cum eidem sint irati, cui tu te inimicum esse dicis, sese tamen te actore ad iudicium non

in oculis] this refers to the vivid delineation required to impress a jury. So § 15, I in Verrem § 7.

defendere] 'to maintain' as often.

ix. *accuset*] note that this word marks the charge as a criminal one. The accuser in a civil suit was called *petitor*. Compare pro Quinctio § 45 *possumus petitoris personam capere, accusatoris deponere?* Quintilian VI 1 § 36 remarks *de accusatoribus et reis s.im locutus, quia in periculis maxime versatur affectus. sed privatae quoque causae utrumque habent perorationis genus.* 'Let me tell you the many qualities that a man should possess before he can be competent to conduct a criminal charge against another'.

unum aliquoa] 'a single one'. Compare II in Verrem I § 62 *unum aliquod de nefariis istius factis eligam.*

iam] = ἤδη at once'. *ipse.* 'of my own accord', really the same as *mea voluntate. istuc.* The right of appearing as *accusator.*

integritatem] for, as Cato well said, an orator is *vir bonus dicendi peritus.* See the first chapter of Quintilian book XII, especially §§ 1, 23, and compare generally II in Verrem III § 1.

28. *ab Siculis*] among whom you have been as Quaestor. Hotoman aptly compares the saying of Bias ἀρχὴ τὸν ἄνδρα δείκνυσι. Add Demosth de falsa leg § 247, Soph Antig 177. Halm. So Shakespeare, Measure for Measure I iii 53 'hence we shall see, if power change purpose, what our seemers be'.

hoc dicere] Halm well points out that this properly depends on *dicam*, and that the intervening clause breaks the logical connexion of the sentence, which should run *unum illud dicam, Siculos, a quibus solis (quod omnes animadvertere credo) adhuc cognosci potuisti, hoc dicere.*

adfuturos. quare negent, ex me non audies: hos patēre id suspicari, quod necesse est. illi quidem, ut est hominum genus nimis acutum et suspitiosum, non te ex Sicilia litteras in Verrem deportare velle arbitrantur, sed, quod isdem litteris illius praetura et tua quaestura consignata sit, asportare te velle ex Sicilia litteras suspicantur.

29 deinde accusatorem firmum verumque esse oportet. eum ego si te putem cupere esse, facile intellego esse non posse. nec ea dico, quae si dicam, tamen infirmare non possis: te, ante quam de Sicilia decesseris, in gratiam redisse cum Verre; Potamonem, scribam et familiarem tuum, retentum esse a Verre in provincia, cum tu decederes; M Caecilium, fratrem tuum, lectissimum atque ornatissimum adulescentem, non modo non adesse neque tecum tuas iniurias persequi, sed esse cum Verre et cum illo familiarissime atque amicissime vivere. sunt et haec et alia in te falsi accusatoris signa permulta, quibus ego nunc non utor: hoc dico, te, si maxime cupias, tamen verum accusatorem esse

30 non posse. video enim permulta esse crimina, quorum tibi

acutum] 'with their usual keen wit and mistrustful temper'. Halm refers to II in Verrem IV § 95, V § 71 for the character of the Sicilians.

in Verrem] as evidence against Verres.

deportare] to carry the documents from the province to Rome. Halm compares II in Verrem IV § 91 *eos enim deduxi testes et eas litteras deportavi*, §§ 140, 149.

asportare] carry away = 'make off with'.

consignata] attested, 'recorded'. Compare de legibus III § 46 *publicis litteris consignatam memoriam publicam nullam habemus.*

29. *firmum*] 'staunch', not to be daunted or cajoled.

verum] 'true', genuine. See the end of this section, and § 32 *vere defendere.*

eum] 'such an one'.

si putem] for mood see on § 21.

Potamonem] who also followed Verres to Rome. See II in Verrem IV § 44. Halm.

decederes] when you quitted the province for Rome. Verres had his term of government prolonged.

lectissimum etc] this ordinary phrase of compliment applied to young men is here probably used in bitter irony. Halm refers to II in Verrem IV § 79 where it is seriously meant.

adesse] in court. See §§ 22, 28.

tuas iniurias] your (pretended) wrongs. See §§ 55, 58—60.

falsi accusatoris] *praevaricatoris*. Remember that *falsus* often = 'forged', and that *falsarius* = a forger.

30. *crimina*] 'charges', counts of the indictment, in which you

societas cum Verre eius modi est, ut ea in accusando attingere non audeas. 10. queritur Sicilia tota C Verrem ab aratoribus, cum frumentum sibi in cellam imperavisset et cum esset tritici modius sestertiis duobus, pro frumento in modios singulos duodenos sestertios exegisse. magnum crimen, ingens pecunia, furtum impudens, iniuria non ferenda. ego hoc uno crimine illum condemnem necesse est: tu, Caecili, quid facies? utrum hoc tantum crimen praetermittes 31

an obicies? si obicies, idne alteri crimini dabis, quod eodem tempore in eadem provincia tu ipse fecisti? audebis ita accusare alterum, ut, quo minus tute condemnere, recusare non

are mixed up with Verres. See § 38.

x. *aratoribus*] the state tenants on the *ager decumanus*, who paid the fixed tithe of their year's crop as a rent. Halm refers to II in Verrem III § 11 for the fact that some of these were Roman citizens.

in cellam] II in Verrem III deals with the corn supplied to Rome by the Sicilians under various heads. Hence we learn that there were (1) the *decumae* or tithes of crops, paid by the *aratores*, §§ 12—163. (2) the *frumentum emptum*, corn bought by the Praetor for the use of Rome by the order of and at a price fixed by the Senate, §§ 163—187. (3) the *frumentum aestimatum* or *in cellam*. This was to supply the wants of the praetor and his suite (*cohors*). It was paid for by the praetor with money allowed him by the senate at a fixed rate per *modius*. The provincials were compelled to sell at the fixed rate; hence, when their own needs or the difficulties of transport made the price unremunerative, they would petition to be allowed to pay a sum of money instead of the corn in kind. Thus the door was opened to exactions, §§ 188—225. Here Verres is stated to have found the market-price of corn 2 *sestertii* per *modius* (or 3 at most, see II in Verrem III § 189). Having ordered the owners to deliver the corn at the most inconvenient places, so that the fixed price (4 sest for wheat, II in Verrem III § 188) would not pay them, he then agreed to take money for the corn, but he valued it at 12 *sestertii* the *modius*. Had he allowed them the 4 sestertii voted by the senate, they would still have had to pay him the balance of 8 *sestertii* per *modius*. But he exacted the money in full without deducting the allowance of 4 sestertii. Thus he cheated the treasury and ruined the provincials by one and the same transaction. See II in Verrem III § 202. His conduct was but an exaggeration of the vices of earlier governors.

condemnem] 'convict' him, = procure his condemnation.

31. *crimini dabis*] for the predicative dative with *dare* see Roby § 1162.

ita...ut] will you venture to be the prosecutor of another, only to leave yourself without a plea against your own condemnation?

possis? sin praetermittes, qualis erit tua ista accusatio, quae domestici periculi metu certissimi et maximi criminis non modo subscriptionem, verum etiam mentionem ipsam perti-
32 mescat? emptum est ex senatus consulto frumentum ab Siculis praetore Verre, pro quo frumento pecunia omnis soluta non est. grave est hoc crimen in Verrem, grave me agente; te accusante nullum. eras enim tu quaestor; pecuniam publicam tu tractabas, ex qua, etiam si cuperet praetor, tamen ne qua deductio fieret, magna ex parte tua potestas erat. huius quoque igitur criminis te accusante mentio nulla fiet. silebitur toto iudicio de maximis et notissimis illius furtis et iniuriis. mihi crede, Caecili, non potest in accusando socios vere defendere is, qui cum reo criminum
33 societate coniunctus est. mancipes a civitatibus pro fru-

domestici] οἰκείου, 'your own proper peril'. Compare pro Mur § 66 *domesticum exemplum*, Isocr ad Demon § 9 οἰκεῖον παράδειγμα. Halm adds II in Verrem III § 95 *ex ipsorum domestico incommodo.*

subscriptionem] see Appendix B.

32. *emptum*] compare II in Verrem III § 165 *deinde permultis civitatibus pro frumento nihil solvit omnino: postremo, si cui civitati solvit, tantum detraxit quantum commodum fuit, nulli quod debitum est reddidit.*

hoc crimen] 'this as a charge'. So § 14 *his testibus* = 'these as witnesses'.

nullum] *crimen.* No charge at all.

tractabas] 'the public money passed through your hands'. Compare with Richter II in Verrem V § 60 *imperavit ut is eam pecuniam tractaret quem ipse praefecisset.* Caecilius' duty was to protest against malversation, and failing in this to inform against Verres when giving account as Quaestor of the expenditure of state-moneys in his charge. This was done at Rome at the expiration of the term of office.

deductio] when the fixed price for the *frumentum emptum* was being paid to the *aratores*, it was not allowed to reach them in full. On various pretexts, such as fees for testing (*spectatio*) and commission for exchanging (*collybus*) money and also a stamp-fee (*cerarium*), abatements were made. Cicero charges Verres with having pushed this form of exaction to an outrageous extent. See II in Verrem III §§ 181—183, and compare Seneca de benef II 4 § 3 *hoc itaque curae habebis, ut beneficia tua inlibata ut integra ad eos quibus promissa sunt perveniant sine ulla quod aiunt deductione.*

tua potestas erat] you had the power to prevent (*ne*) any abatement being made. For this idiom (rare except in the case of *ius*) compare in Vatin § 40 *an erit haec optio et potestas tua, ut......dicas?* see also on § 45 below.

mihi crede] on the collocation of these words see Professor Mayor on Philippic II § 34.

33. *mancipes*] the *publicani* who farmed the *decumae*. For the meaning of the word see Paul diac p 151 *manceps dicitur qui quid a populo emit conducitve, quia manu sublata significat se auctorem emptionis esse: qui idem praes dicitur, quia tam debet praestare populo quod promisit quam is qui pro eo praes factus est*, pro Plancio § 64, and the auction-scene II in Verrem I § 141; and for the matter in general Ramsay pp 238, 239.

mento pecuniam exegerunt. quid? hoc Verre praetore factum est solum? non, sed etiam quaestore Caecilio. quid igitur? daturus es huic crimini, quod et potuisti prohibere ne fieret et debuisti? an totum id relinques? ergo id omnino Verres in iudicio suo non audiet, quod cum faciebat quem ad modum defensurus esset non reperiebat. 11. atque ego haec, quae in medio posita sunt, commemoro: sunt alia magis occulta furta, quae ille, ut istius, credo, animos atque impetus retardaret, benignissime cum quaestore suo communicavit. haec tu scis ad me esse delata: quae si velim 34
proferre, facile omnes intellegent vobis inter vos non modo voluntatem fuisse coniunctam, sed ne praedam quidem adhuc esse divisam. quapropter si tibi indicium postulas dari, quod tecum una fecerit, concedo, si id lege permittitur: sin autem de accusatione dicimus, concedas oportet iis, qui

quaestore] for the letting of the Sicilian *decumae* to the *decumani* in Sicily (not, as in the case of other provinces, at Rome) by the Quaestors under the limitations of the old *lex Hieronica* Richter refers to II in Verrem III §§ 14, 18.

xi. *animos atque impetus*] his 'fire and impetuosity'. Halm. The clause = 'as hush-money'.

34. *non modo...sed*] 'I do not say'...'but'. See Madvig § 461 b. The first statement is rejected as too weak. Compare § 27 above.

indicium] the right to appear as *index*. Compare ad Att II 24 § 4 *nunc reus erat apud Crassum divitem Vettius de vi et quum esset damnatus erat indicium postulaturus*, in Vatin § 26, Tacitus Ann XI 35 *indicium offerentem* = saying that he was ready to appear as *index*. *index* properly means one who, himself guilty, turns an informer against his accomplices, much like our 'King's evidence'. Compare pro Mur § 51 *se indicavit* = supplied proof of his own guilt, Tacitus Ann IV 28 *index idem et testis* = not only informing but basing his information on his own evidence.

postulas] 'expect', 'claim' = ἀξιοῖς. Compare Plautus Trin 1020 *inter eosne homines condalium te redipisci postulas?* For the use of the word with a following infinitive Tischer compares de orat I § 101, III § 91, de fin III § 58.

concedo] without any object expressed, = 'I am ready to make way for you'. So pro Mur §§ 47, 57, de fin III § 1.

si id lege permittitur] these words point to some limitation in the

nullo suo peccato impediuntur quo minus alterius peccata
35 demonstrare possint. ac vide, quantum interfuturum sit
inter meam et tuam accusationem. ego etiam quae tu sine
Verre commisisti Verri crimini daturus sum, quod te non
prohibuerit, cum summam ipse haberet potestatem: tu
contra ne quae ille quidem fecit obicies, ne qua ex parte
coniunctus cum eo reperiare.

quid? illa, Caecili, contemnendane tibi videntur esse,
sine quibus causa sustineri, praesertim tanta, nullo modo
potest? aliqua facultas agendi, aliqua dicendi consuetudo,
36 aliqua in foro, iudiciis, legibus aut ratio aut exercitatio? in-
tellego, quam scopuloso difficilique in loco verser; nam cum
omnis adrogantia odiosa est, tum illa ingenii atque eloquen-
tiae multo molestissima. quam ob rem nihil dico de meo
ingenio; neque est quod possim dicere, neque si esset
dicerem. aut enim id mihi satis est quod est de me opini-
onis, quicquid est, aut, si id parum est, ego maius id com-
37 memorando facere non possum. 12. de te, Caecili,—iam
me hercule hoc extra hanc contentionem certamenque nos-

law *de repetundis* of the right of *indicium* in such cases.

35. *illa*] those qualities. So *multa* §§ 22, 27.

sustineri] a word used of an actor 'keeping up' a part. So §§ 37, 48, pro Mur § 46.

dicendi consuetudo] so pro Mur § 29.

ratio] theoretical skill, as in pro Archia § 1 *si qua exercitatio dicendi, aut si huiusce rei ratio aliqua ab optimarum artium studiis ac disciplina profecta*, de orat III §§ 80, 93. See Nägelsbach § 63 p 170.

36. *adrogantia*] 'assumption'. Compare Quintilian XI 1 § 15 *in primis igitur omnis vitiosa iactatio est, eloquentiae tamen in oratore praecipue.*

odiosa] 'tiresome to the hearers'. So pro Mur § 30 *orator odiosus in dicendo ac loquax.* Compare Martial VIII 6 *archetypis vetuli nihil est odiosius Eucti*, 'there is no greater bore than'....

illa] referring to what follows, designates it as more distant than *haec* would have done. See Madvig § 485 a.

nihil dico] compare for this show of modesty pro Mur § 29 *nunc nihil de me dico, sed de iis qui in dicendo magni sunt aut fuerunt.*

xii. 37. *de te*] Richter well remarks that these words though put at the beginning of the period really belong to *existimes*. Halm compares de legibus I § 7 *de quibus existimare non possumus* = on whom we can have no opinion whatever (as they have not yet published their books).

trum familiariter tecum loquar—tu ipse quem ad modum
existimes, vide etiam atque etiam, et tu te collige et qui
sis et quid facere possis considera. putasne te posse de
maximis acerbissimisque rebus, cum causam sociorum for-
tunasque provinciae, ius populi Romani gravitatemque iudicii
legumque susceperis, tot res, tam graves, tam varias voce
memoria, consilio ingenio sustinere? putasne te posse, quae 38
C Verres in quaestura, quae in legatione, quae in praetura,
quae Romae, quae in Italia, quae in Achaia, Asia Pamphy-
liaque peccarit, ea, quem ad modum locis temporibusque
divisa sint, sic criminibus et oratione distinguere? pu-
tasne te posse, id quod in huius modi reo maxime neces-
sarium est, facere ut, quae ille libidinose, quae nefarie,
quae crudeliter fecerit, ea aeque acerba et indigna vide-
antur esse his qui audient atque illis visa sunt qui sen-
serunt? magna sunt ea, quae dico, mihi crede; noli haec 39

familiariter] the irony of this is obvious.

te collige] 'pull yourself together'. Comp Tusc disp IV § 78 *quid est autem se ipsum colligere, nisi dissipatas animi partes rursum in suum locum cogere?*

de rebus] 'when great matters are in question'. The construction of the sentence takes a sudden turn.

ius populi Romani] Halm well refers to the case of Gavius II in Verrem V §§ 158—170.

consilio] 'tact'. compare § 73, pro Mur § 24 *consilio atque oratione mentes permovere.*

sustinere] to do justice to them all.

38. *quaestura*] in BC 82 (or 84 according to II in Verrem I § 34) Verres had been Quaestor to Cn Papirius Carbo then consul and a supporter of the Marian party. Him he deserted and joined Sulla, taking with him the military chest, see II in Verrem I §§ 34—40.

legatione] see on *Achaia* § 6.

praetura] as *praetor urbanus* BC 74.

Pamphylia] see on I in Verrem § 2.

criminibus] with the charges (counts of the indictment) contained in your speech (*et oratione* a hendiadys). See § 30, pro Mur § 67.

distinguere] 'set forth in order', = *disponere*, a regular rhetorical term.

putasne posse] Richter well remarks that *te* has probably been dropped out here through carelessness.

aeque acerba] the orator's ideal is reached if he is able ἴσους τοὺς λόγους τῷ μεγέθει τῶν ἔργων ἐξευρεῖν (Isocr paneg § 13), that is *facta verbis consequi* (auct ad Herenn III § 11) or *exaequare* (Sallust Cat 3 § 2). Halm.

39. *mihi crede*] note the mock-confidential air with which this is said.

contemnere. dicenda, demonstranda, explicanda sunt omnia: causa non solum exponenda, sed etiam graviter copioseque agenda est. perficiendum est, si quid agere aut proficere vis, ut homines te non solum audiant, verum etiam libenter studioseque audiant. in quo si te multum natura adiuvaret, si optimis a pueritia disciplinis atque artibus studuisses et in his elaborasses, si litteras Graecas Athenis, non Lilybaei, Latinas Romae, non in Sicilia didicisses, tamen esset magnum tantam causam, tam exspectatam, et diligentia consequi et memoria complecti et oratione expromere et

contemnere] see on § 23.

dicenda] *dictio* = speaking, 'putting things in words'. so de orat I § 64 *quaecunque res inciderit quae sit dictione explicanda*. How nearly the word approaches to the technical *elocutio* is shewn by orator § 61 *dicendi, id est eloquendi*.

demonstranda] *demonstratio* = expounding, 'opening the case'. So § 45, de orat I § 143 *deinde rem demonstrandam*.

explicanda] *explicatio* = unravelling, 'clearing up knotty points'. So Brutus § 143 *in disserendo mira explicatio*, de orat II § 120. See above on *dicenda*. The word nearly approaches to the following *exponenda*, which is a technical term.

agere] if you would gain or speed aught. So pro Plancio § 83 *non nihil egisti hoc loco*.

libenter] see de orat I § 143 *initio conciliandos eorum esse animos qui audirent*, de invent I §§ 20—22. In this speech great attention is paid to this rule, for in a *divinatio* to gain the good will of the court was of course especially important.

studuisses] had devoted yourself to. So *virtuti studere*. Compare de fin IV § 65, de orat II §§ 225, 226. *artibus* = pursuits. See pro Mur § 23.

in his elaborasses] had spent your efforts upon these. The phrase is common in Cicero. Compare § 62, pro Mur § 19, de off I § 3.

Lilybaei] Caecilius had held the *quaestura Lilybaetana*. The inhabitants of the Western part of Sicily were of mixed blood and spoke a barbarous mixture of tongues. At Lilybaeum itself there was a strong Phoenician element, that town having been the seat of the Carthaginian government. Halm refers to II in Verrem IV § 77.

in Sicilia] the Scholiast tells us that Caecilius was a Sicilian born. Plutarch (Cicero 7) calls him the son of a freedman. Hence Halm thinks that he was born in Sicily, the son of a freedman who had on his enfranchisement taken the name Caecilius after his *patronus*, one of the Metelli. He refers to the mention, II in Verrem II §§ 20, 23, of the case of Q Caecilius Dio.

consequi] to 'master'. Halm compares II in Verrem IV § 57 *aut memoria consequi aut oratione complecti*. For this enumeration of the qualities an orator must possess compare de orat I § 142 *ut deberet reperire primum quid diceret* (inventio), *deinde inventa non solum ordine sed etiam momento quodam atque iudicio dispensare atque componere* (dispositio), *tum ea denique vestire atque ornare oratione* (elocutio), *post memoria saepire* (memoria), *ad extremum agere cum dignitate ac venustate* (pronuntiatio). The technical terms are added in brackets from auct ad Herenn I § 3.

voce ac viribus sustinere. fortasse dices: 'quid ergo? haec 40
in te sunt omnia?' utinam quidem essent! verum tamen
ut esse possent, magno studio mihi a pueritia est elaboratum.
quodsi ego haec propter magnitudinem rerum ac difficultatem
adsequi non potui, qui in omni vita nihil aliud egi, quam
longe tu te ab his rebus abesse arbitrare, quas non modo
antea numquam cogitasti, sed ne nunc quidem, cum in eas
ingrederis, quae et quantae sint suspicari potes? 13. ego 41
qui, sicut omnes sciunt, in foro iudiciisque ita verser, ut
eiusdem aetatis aut nemo aut pauci plures causas defenderint, et qui omne tempus quod mihi ab amicorum negotiis datur in his studiis laboribusque consumam, quo paratior

expromere] to put forth in language what he has thought over beforehand. Richter compares de legibus II §§ 17, 18.

40. *utinam quidem*] 'I only wish they were'. For this strengthened form of the wish Richter compares de nat deor III § 78 *utinam quidem! sed non audebitis*.

ut esse possent] for the display of modesty here see Quintilian XI I § 20 *dicendi facultatem magis illi detraxit quam arrogavit sibi, seque non consecutum sed 'omnia fecisse ut posset eam consequi' dixit*.

mihi] for this dative of the agent after compound tenses of passive verbs see Madvig § 250 a, and compare § 26 *mihi* with § 51 *a me*, *susceptam* standing in the latter passage as a bare participle and the construction being affected by the nearness of *mihi creditam*.

arbitrare] 'how far must you be from'. The subtle force of the verb of thinking (so *putas*), implying that the person addressed can make no reply, is rendered by Tischer through the German 'nicht' thus, 'wie weit bist du nicht entfernt?' He compares II in Verrem IV §§ 57, 77, 129 *Iovem autem Imperatorem quanto honore in suo templo fuisse arbitramini?* and V § 149. Add pro Mur §§ 35, 38.

cum ingrederis] 'at the very time of your first entry into them'. A hit at Caecilius as a new hand. For the indicative see Madvig § 358, and compare § 41 *cum venit*.

xiii. 41. *qui ita verser*] 'a man whose practice is so great'. For the subjunctive see Madvig § 364, and compare § 51 *qui sis*, II in Verrem V § 71 *Syracusani, homines periti, qui......etiam occulta suspicari possent*.

eiusdem aetatis] Cicero was now in his 37th year.

aut nemo aut pauci] = scarce any. Compare Persius I 3 *vel duo vel nemo*. So in Greek ἢ τις ἢ οὐδείς, as Plato Rep 496 c, Apol 17 b, Xenophon Cyr VII 5 § 45.

datur] is left me.

his studiis] pursuits that have this bearing, oratorical studies to fit me for my work. See pro Plancio § 66.

ad usum forensem promptiorque esse possim, tamen, ita mihi deos velim propitios, ut, cum illius temporis mihi venit in mentem quo die citato reo mihi dicendum sit, non solum
42 commoveor animo, sed etiam toto corpore perhorresco. iam nunc mente et cogitatione prospicio, quae tum studia hominum, qui concursus futuri sint, quantam exspectationem magnitudo iudicii sit adlatura, quantam auditorum multitudinem infamia C Verris concitatura, quantam denique audientiam orationi meae improbitas illius factura sit. quae cum cogito, iam nunc timeo, quidnam pro offensione hominum qui illi inimici infensique sunt, et exspectatione om-
43 nium et magnitudine rerum dignum eloqui possim. tu horum nihil metuis, nihil cogitas, nihil laboras; et si quid ex vetere aliqua oratione 'Iovem ego optimum maxi-

ita velim......ut]='so help me heaven', and often (*ut* being left out) used in the same interjectional way. Halm compares II in Verrem V §§ 35, 37. For the subjunctive *velim*, expressing a modest wish, see Madvig § 350 b obs 1.

illius temporis......quo die] for this repetition, usually of the same word, see Madvig § 315 a obs 2. Tischer well compares Livy XXIII 8 *ad cenam.....:cui convivio.*

venit in mentem] impersonal. Hence used with the genitive. See Madvig § 291 obs 3.

citato reo] i e *Verre*, says Richter. The *citatio*, or formal summoning of the accused to appear in court, followed the *nominis delatio.*

commoveor] on this passage compare de orat I § 120 *ut enim quisque optime dicit, ita maxime dicendi difficultatem variosque eventus orationis exspectationemque hominum pertimescit. qui vero nihil potest dignum re, dignum nomine oratoris, dignum hominum auribus efficere atque edere, is mihi, etiamsi commovetur in dicendo, tamen impudens videtur*, Quintilian XI 1 § 44.

42. *magnitudo iudicii*] the importance of the issues involved in the trial.

factura] so Cato maior § 28 *facitque persaepe ipsa sibi audientiam diserti senis compta et mitis oratio.*

timeo, quidnam possim]=I feel nervous, asking myself 'what can I say to match......?' So de invent II § 2 *Zeuxis quaesivit ab eis, quasnam virgines formosas haberent*=what pretty girls have you at Crotona? Ter Eun 923 *reviso, quidnam Chaerea hic rerum gerat.* See Madvig § 88.

offensione] the verbal in *io* used in passive sense. See Nägelsbach § 59 p 160. Compare I in Verrem § 35.

dignum pro]=to match with. Compare Lucretius V 1 *quis potis est dignum pollenti pectore carmen condere pro rerum maiestate hisque repertis?* Hor epp I 7 24 *dignum praestabo me etiam pro laude merentis.*

43. *Iovem ego*] such opening invocations were used by the early orators, and in Cicero's time had become hackneyed. So in Greek as Demosth de corona πρῶτον μὲν ὦ ἄνδρες Ἀθηναῖοι τοῖς θεοῖς εὔχομαι πᾶσι καὶ πάσαις.......

mum' aut 'vellem, si fieri potuisset, iudices' aut aliquid eius modi ediscere potueris, praeclare te paratum in iudicium venturum arbitraris? ac si tibi nemo responsurus 44
esset, tamen ipsam causam, ut ego arbitror, demonstrare non posses: nunc ne illud quidem cogitas, tibi cum homine disertissimo et ad dicendum paratissimo futurum esse certamen, quicum modo disserendum, modo omni ratione pugnandum certandumque sit. cuius ego ingenium ita laudo ut non pertimescam, ita probo ut me ab eo delectari facilius quam decipi putem posse. 14. numquam ille me opprimet consilio, numquam ullo artificio pervertet, numquam ingenio me suo labefactare atque infirmare conabitur. novi omnes hominis petitiones rationesque dicendi; saepe in isdem,

vellem] yet Cicero begins his speech pro Sulla *maxime vellem, iudices, ut.......* Halm.

44. *demonstrare*] make a bare statement of your case. See on § 39. *ipsam*, without needing to argue closely. So § 46 *gestu ipso.*

ne illud quidem] compare §§ 48, 60, Brutus § 199 *nam illud quod populo non probatur, ne intellegenti quidem oratori probari potest.* Halm adds II in Verrem II § 106. 'As it is, neither do you reflect on the fact that'...... Tischer renders *ne...quidem* by 'auch nicht'. See Madvig § 457.

disserendum cum] 'with whom you will at one time have to argue'. So Acad II § 18 *homines dignos quibuscum disseratur*, and de orat I § 57 where *dissero* and *disputo* are used as equivalents.

ita...ut] 'though I speak highly of his talent, I do not quail before it'. So pro Mur § 58, ad Att V 9 § 2. See Roby § 1704.

XIV. *opprimet*] surprise me, take me unawares. So Ter And 227 *conveniam Pamphilum, ne de hac re pater imprudentem opprimat*, Caesar bell Gall IV 4 *inscios inopinantesque Menapios oppresserunt.*

consilio] a stratagem. See on I in Verrem § 33. In pro Mur § 24 *eorum consilio et periculo* it=strategy. Here it expresses metaphorically the dexterous sophistries of a practised orator.

artificio] technical skill, 'knack'. Here I believe wrestling supplies the metaphor. Notice the Chiasmus in this sentence.

pervertet] 'overthrow'. So pro Sulla § 46, pro Cluentio § 108. To 'give a fall' here=to get the better of in an oratorical set-to. The metaphor is kept up in *labefactare* and *infirmare.*

ingenio] by cleverness, in default of sound reasons.

petitiones] 'cuts and thrusts', a metaphor from the fighting of gladiators. Compare orator § 228 *ut enim athletas nec multo secus gladiatores videmus nihil nec vitando facere caute nec petendo veh*

cf. Cic. C.M. veteri illi laudatoque proverbio quod monet ....

saepe in contrariis causis versati sumus. ita contra me ille dicet, quamvis sit ingeniosus, ut non nullum etiam de suo
45 ingenio iudicium fieri arbitretur. te vero, Caecili, quem ad modum sit elusurus, quam omni ratione iactaturus, videre iam videor; quotiens ille tibi potestatem optionemque facturus sit, ut eligas utrum velis factum esse necne, verum esse an falsum: utrum dixeris, id contra te futurum. qui tibi aestus, qui error, quae tenebrae, di immortales, erunt,

menter, in quo non motus hic habeat palaestram quandam ut quidquid in his rebus fiat utiliter ad pugnam idem ad adspectum etiam sit venustum: sic oratio nec plagam gravem facit nisi petitio fuit apta, nec satis recte declinat impetum, nisi etiam in cedendo quid deceat intellegit, in Catil I § 15. For the rapid change of metaphor in the present passage compare pro Mur § 46.

rationes] his ways, methods, modes of pleading. Compare de orat II § 92 *mea autem ratio haec esse in dicendo solet.*

quamvis sit ingeniosus] for all his talent. *quamvis* seems never to lose all trace of its connexion with *volo.* So (as in pro Mur § 83) we find *quod velis = quodvis.*

ita...ut] when speaking on the opposite side to me he will not forget that I am a 'foeman worthy of his steel', and hence will take care not to put trust in the superficial devices which, though too much for Caecilius, might if exposed (as by me they would be) ruin his prestige.

arbitretur] not *arbitraturus sit*, as being simultaneous with *dicet.* So § 50 *respondeam.* Halm.

45. *elusurus*] see on § 24.

iactaturus] how he will toss you about, drive you here and there in the course of his argument. The prevailing notion is that of leaving him no rest, even as in Virgil's '*multum ille et terris iactatus et alto*'. We rather say 'how he will get you into a corner'.

videre videor] so de fin V § 4, de nat deor I § 106, de divin I § 46, Laelius § 41, Ter Adelph 384 *videre videor iam diem illum quom hinc egens profugiet aliquo militatum.* For the ὑποτύπωσις (*rerum quasi gerantur sub aspectum paene subiectio*) Richter refers to de orat III § 202, Quintilian IX 2 § 41.

potestatem optionemque] compare in Vatin § 40 *an erit haec optio et potestas tua, ut dicas......?*

eligas] Hotoman aptly sees in this passage a metaphor from champion fighters who are wont to ask their adversaries 'where will you have it?' As a rhetorical figure it is called διλήμματον, in de invent I §§ 44—45 *genus argumentandi per complexionem*, in auct ad Herenn IV § 52 *divisio.* See Quintilian V 10 § 69. Halm. § 58 below is a good instance of the use.

contra te] so Quintilian says *ut utrum elegerit noceat.*

aestus] heaving, agitation = embarrassment. The metaphor is the same as in Verg Aen XII 486 *vario nequiquam fluctuat aestu*, IV 532, VIII 19.

error] wandering, uncertainty.

tenebrae] darkness, dizziness. So ad Att VII 11 § 1 *quid hoc est? aut quid agitur? mihi enim tenebrae sunt.* Compare the phrase *tenebras offundere alicui.*

homini minime malo! quid? cum accusationis tuae membra dividere coeperit et in digitis suis singulas partes causae constituere? quid? cum unum quidque transigere, expedire, absolvere? ipse profecto metuere incipies ne innocenti periculum facessieris. quid? cum commiserari, conqueri et ex 46
illius invidia deonerare aliquid et in te traicere coeperit, commemorare quaestoris cum praetore necessitudinem, constitutam more maiorum, sortis religione, poterisne eius ora-

minime malo] bitterly ironical as II in Verrem III § 106 *docuerunt vos quid lucelli fecerit homo non malus, familiaris praetoris, Apronius.*

accusationis membra] distinct from the *partes causae.* Every speech looked at as a *corpus* must have *membra*; the *constitutio partium* or *partitio* is the affair of the professionally-trained orator. Halm.

dividere] to dissect. Compare de orat II § 80 *dividere causam*, orator § 137 *ut dividat in partes.* § 10 of this speech and pro Mur § 11 are instances of *partitio* or *divisio.* See de invent I § 31, Quintilian IV 5 § 1. Hortensius was the first to introduce *partitiones* into Roman oratory as essential to a speech. See Brutus §§ 302, 303, pro Quinctio § 35.

in digitis] Quintilian IV 5 § 24 *nec immerito multum ex diligentia partiendi tulit laudis Q Hortensius, cuius tamen divisionem in digitos diductam nonnunquam Cicero leviter eludit. nam est suus et in gestu modus, et vitanda ut quae maxime concisa nimium et velut articulosa partitio.*

unum quidque] Brutus § 303 *rem complectebatur memoriter, dividebat acute, nec praetermittebat fere quidquam quod esset in causa aut ad confirmandum aut ad refellendum.*

transigere] to deal with, go through. Compare de invent I § 33 *in omni dictione meminisse oportebit, ut et prima quaeque pars, ut exposita est in partitione, sic ordine transigatur et omnibus explicatis peroratum sit*, orator § 137. The word seems to bear a very general meaning; but the remarks in Forcellini are worth attention.

expedire] to disentangle, clear up. According to auct ad Herenn IV § 40 *expeditio* is *quum rationibus compluribus enumeratis, quibus aliqua res aut fieri aut non fieri potuerit, ceterae tolluntur, una relinquitur, quam nos intendimus*, the argument by exhaustion of possible suppositions. It is easy to see that Hortensius might have employed this with crushing force against such a man as Caecilius.

absolvere] to clear off charges one by one, explain them away. Compare de invent I § 32. It seems to me that this use of the word is closely akin to that of 'to acquit'.

46. *commiserari, conqueri*] synonymous. *et* connects this pair with what follows. He is here of course alluding to the peroration of Hortensius' speech. See (with Halm) auct ad Herenn II § 47.

invidia] 'odium' as we say.

sortis] the Quaestors after their election usually cast lots to decide where each should serve. The connexion between a provincial governor and his Quaestor was held to constitute a tie of the

tioni subire? [invidiam] vide modo, etiam atque etiam considera. mihi enim videtur periculum fore, ne ille non modo verbis te obruat, sed gestu ipso ac motu corporis praestringat aciem ingenii tui teque ab institutis tuis cogitationi-
47 busque abducat. atque huiusce rei iudicium iam continuo video futurum. si enim mihi hodie respondere ad haec quae dico potueris, si ab isto libro, quem tibi magister ludi nescio qui ex alienis orationibus compositum dedit, verbo uno discesseris, posse te et illi quoque iudicio non deesse et causae atque officio tuo satis facere arbitrabor: sin mecum in hac prolusione nihil fueris, quem te in ipsa pugna cum acerrimo adversario fore putemus?

15. esto; ipse nihil est, nihil potest: at venit paratus

closest description. See §§ 61, 65, I in Verrem § 11, pro Plancio § 28, Ramsay p 162.

religione] I have accepted Richter's emendation here in place of the MSS reading *religionem*.

orationi] the Scholiast remarks here 'quasi Latine dixit, ut *magno ponderi subire*'. Richter points out that two old grammarians quote this passage as an instance of *subire* with a dative following = *resistere, non succumbere.* I prefer then to read as above instead of MSS *orationis*, and with Baiter, Richter and (if I understand him aright) Madvig, to look upon *invidiam* as a gloss which has been foisted in from *invidia* above.

etiam atque etiam] so § 37.

periculum ne] see Madvig § 376.

gestu] so he says of Hortensius in Brutus § 303 *motus et gestus etiam plus artis habebat quam erat oratori satis. ipso*. Not to mention his verbal eloquence. See § 44.

praestringat aciem] blindfold, dull, muffle the edge of your wits. Compare Philippic XII § 3 *quod videbam equidem, sed quasi per caliginem: praestrinxerat aciem animi D Bruti salus.* The metaphor then is the same as that in *tenebrae* above.

institutis] your plans, what you have 'made up your mind to say'. Compare de divin II § 6 *quod adsequar profecto si instituta perfecero.* For *cogitare* of preparation for a speech see Brutus § 301.

47. *magister ludi*] some Grubstreet hack. I am inclined to suspect that Cicero is playing upon the two senses of the word *ludus* (1) *litterarius* (2) *gladiatorius*, and thus leading up to the following metaphor in *prolusione* and *pugna*.

prolusione] a preliminary bout, a 'sparring'. Compare de orat II § 325 *atque eiusmodi illa prolusio debet esse non ut Samnitium qui vibrant hastas ante pugnam quibus in pugnando nihil utuntur; sed ut ipsis sententiis quibus proluserint vel pugnare possint.*

XV. *nihil potest*] Halm suspects this of being a gloss, a view I feel at present quite unable to adopt.

princeps] the 'leader', as we say.

Of L Appuleius and Alienus nothing seems to be known save what is recorded here.

cum subscriptoribus exercitatis et disertis. est tamen hoc aliquid, tametsi non est satis; omnibus enim rebus is, qui princeps in agendo est, ornatissimus et paratissimus esse debet. verum tamen L Appuleium esse video proximum subscriptorem, hominem non aetate, sed usu forensi atque
exercitatione tironem. deinde, ut opinor, habet Alienum, 48
hunc tamen ab subselliis: qui quid in dicendo posset, numquam satis attendi, in clamando quidem video eum esse bene robustum atque exercitatum. in hoc spes tuae sunt omnes: hic, si tu eris actor constitutus, totum iudicium sustinebit. ac ne is quidem tantum contendet in dicendo, quantum potest, sed consulet laudi et existimationi tuae et ex eo, quod ipse potest in dicendo, aliquantum remittet, ut tu tamen aliquid esse videare. ut in actoribus Graecis fieri videmus saepe illum, qui est secundarum aut tertiarum partium, cum possit aliquanto clarius dicere quam ipse primarum, multum submittere, ut ille princeps quam maxime

48. *ab subselliis*] from the benches, = a man who is not an utter stranger to the bar. Compare de orat I § 264 *qualis esse posset is qui habitaret in subselliis.*

qui quid posset] *qui* adversative, as in pro Mur § 11, pro Rosc Amer § 80 and elsewhere. 'Though I have never taken the trouble to notice what he could do as a speaker'.

in clamando] as a bawler. So Brutus § 182 *quem existimem clamatorem quem oratorem fuisse*, de orat III § 81 *clamatores odiosi ac molesti.*

sustinebit] will be the mainstay of the case.

ac] another reading is *at*, but I prefer *ac* with Halm.

ne...quidem] see on § 44.

tamen aliquid] so § 47 *est tamen hoc aliquid* and here *hunc tamen ab subselliis.* 'That you may seem to be something (little though it be)'.

actoribus Graecis] the Greek stage was well enough known to the educated Roman public; hence an orator might use such a comparison as this, telling as it was by reason of the double meaning of the word *actor*. Halm.

fieri videmus] instead of *ut* with the subjunctive following as we should expect after *fieri*, we have an accusative and infinitive owing to the attraction exercised by *videmus.*

secundarum] so Brutus § 242 *Q Arrius qui fuit M Crassi quasi secundarum.* The Greek drama confined itself to three actors.

submittere] *vocem*, lower the tone of his voice. So Alienus will lower the tone of his speech. Compare orator § 85 *itemque si quae verborum iterationes contentionem aliquam et clamorem requirent, erunt ab hac summissione orationis alienae.*

tioni subire? [invidiam] vide modo, etiam atque etiam considera. mihi enim videtur periculum fore, ne ille non modo verbis te obruat, sed gestu ipso ac motu corporis praestringat aciem ingenii tui teque ab institutis tuis cogitationi-
47 busque abducat. atque huiusce rei iudicium iam continuo video futurum. si enim mihi hodie respondere ad haec quae dico potueris, si ab isto libro, quem tibi magister ludi nescio qui ex alienis orationibus compositum dedit, verbo uno discesseris, posse te et illi quoque iudicio non deesse et causae atque officio tuo satis facere arbitrabor: sin mecum in hac prolusione nihil fueris, quem te in ipsa pugna cum acerrimo adversario fore putemus?

15. esto; ipse nihil est, nihil potest: at venit paratus

closest description. See §§ 61, 65, I in Verrem § 11, pro Plancio § 28, Ramsay p 162.

religione] I have accepted Richter's emendation here in place of the MSS reading *religionem*.

orationi] the Scholiast remarks here 'quasi Latine dixit, ut *magno ponderi subire*'. Richter points out that two old grammarians quote this passage as an instance of *subire* with a dative following = *resistere, non succumbere.* I prefer then to read as above instead of MSS *orationis*, and with Baiter, Richter and (if I understand him aright) Madvig, to look upon *invidiam* as a gloss which has been foisted in from *invidia* above.

etiam atque etiam] so § 37.

periculum ne] see Madvig § 376.

gestu] so he says of Hortensius in Brutus § 303 *motus et gestus etiam plus artis habebat quam erat oratori satis. ipso.* Not to mention his verbal eloquence. See § 44.

praestringat aciem] blindfold, dull, muffle the edge of your wits. Compare Philippic XII § 3 *quod videbam equidem, sed quasi per caliginem: praestrinxerat aciem animi D Bruti salus.* The metaphor then is the same as that in *tenebrae* above.

institutis] your plans, what you have 'made up your mind to say'. Compare de divin II § 6 *quod adsequar profecto si instituta perfecero.* For *cogitare* of preparation for a speech see Brutus § 301.

47. *magister ludi*] some Grubstreet hack. I am inclined to suspect that Cicero is playing upon the two senses of the word *ludus* (1) *litterarius* (2) *gladiatorius*, and thus leading up to the following metaphor in *prolusione* and *pugna*.

prolusione] a preliminary bout, a 'sparring'. Compare de orat II § 325 *atque eiusmodi illa prolusio debet esse non ut Samnitium qui vibrant hastas ante pugnam quibus in pugnando nihil utuntur; sed ut ipsis sententiis quibus proluserint vel pugnare possint.*

XV. *nihil potest*] Halm suspects this of being a gloss, a view I feel at present quite unable to adopt.

princeps] the 'leader', as we say.

Of L Appuleius and Alienus nothing seems to be known save what is recorded here.

cum subscriptoribus exercitatis et disertis. est tamen hoc aliquid, tametsi non est satis; omnibus enim rebus is, qui princeps in agendo est, ornatissimus et paratissimus esse debet. verum tamen L Appuleium esse video proximum subscriptorem, hominem non aetate, sed usu forensi atque exercitatione tironem. deinde, ut opinor, habet Alienum, 48
hunc tamen ab subselliis: qui quid in dicendo posset, numquam satis attendi, in clamando quidem video eum esse bene robustum atque exercitatum. in hoc spes tuae sunt omnes: hic, si tu eris actor constitutus, totum iudicium sustinebit. ac ne is quidem tantum contendet in dicendo, quantum potest, sed consulet laudi et existimationi tuae et ex eo, quod ipse potest in dicendo, aliquantum remittet, ut tu tamen aliquid esse videare. ut in actoribus Graecis fieri videmus saepe illum, qui est secundarum aut tertiarum partium, cum possit aliquanto clarius dicere quam ipse primarum, multum submittere, ut ille princeps quam maxime

48. *ab subselliis*] from the benches, = a man who is not an utter stranger to the bar. Compare de orat I § 264 *qualis esse posset is qui habitaret in subselliis.*

qui quid posset] *qui* adversative, as in pro Mur § 11, pro Rosc Amer § 80 and elsewhere. 'Though I have never taken the trouble to notice what he could do as a speaker'.

in clamando] as a bawler. So Brutus § 182 *quem existimem clamatorem quem oratorem fuisse*, de orat III § 81 *clamatores odiosi ac molesti.*

sustinebit] will be the mainstay of the case.

ac] another reading is *at*, but I prefer *ac* with Halm.

ne...quidem] see on § 44.

tamen aliquid] so § 47 *est tamen hoc aliquid* and here *hunc tamen ab subselliis.* 'That you may seem to be something (little though it be)'.

actoribus Graecis] the Greek stage was well enough known to the educated Roman public; hence an orator might use such a comparison as this, telling as it was by reason of the double meaning of the word *actor*. Halm.

fieri videmus] instead of *ut* with the subjunctive following as we should expect after *fieri*, we have an accusative and infinitive owing to the attraction exercised by *videmus*.

secundarum] so Brutus § 242 *Q Arrius qui fuit M Crassi quasi secundarum.* The Greek drama confined itself to three actors.

submittere] *vocem*, lower the tone of his voice. So Alienus will lower the tone of his speech. Compare orator § 85 *itemque si quae verborum iterationes contentionem aliquam et clamorem requirent, erunt ab hac summissione orationis alienae.*

excellat, sic faciet Alienus: tibi serviet, tibi lenocinabitur,
49 minus aliquanto contendet quam potest. iam hoc considerate, cuius modi accusatores in tanto iudicio simus habituri, cum et ipse Alienus ex ea facultate, si quam habet, aliquantum detracturus sit, et Caecilius tum denique se aliquid futurum putet, si Alienus minus vehemens fuerit et sibi primas in dicendo partes concesserit. quartum quem sit habiturus non video, nisi quem forte ex illo grege moratorum, qui subscriptionem sibi postularunt, cuicumque vos
50 delationem dedissetis. ex quibus alienissimis hominibus ita paratus venis ut tibi hospes aliquis sit recipiendus. quibus ego non sum tantum honorem habiturus, ut ad ea quae dixerint certo loco aut singillatim unicuique respondeam: sic breviter, quoniam non consulto, sed casu in eorum mentionem incidi, quasi praeteriens satis faciam universis. 16. tantāne vobis inopiā videor esse amicorum, ut mihi

49. *ea...si quam*] so Brutus § 242, de fin IV § 49. See Madvig § 484 b.

quartum] the leader was also a *subscriptor*, see Appendix B. Four was the usual number of counsel retained on one side at this date.

moratorum] delayers, 'stopgaps'. The play on the word *oratorum* is obvious. But whether the joke be Cicero's or no is, as Richter remarks, quite uncertain. Nor do we know anything of the class of men spoken of: for the Scholiast's note is a trumpery piece of guess-work.

postularunt] we see that the jury in a *divinatio* had to decide not only who should lead the prosecution, but who should act as juniors. See above on § 10.

50. *alienissimis*] though Halm can see no allusion in this to Alienus mentioned above, I must unhesitatingly agree with Richter in maintaining that Cicero meant to pun upon that name. It is no worse than many other of his jokes. Quintilian VI 3 § 3 says *noster vero* (Cicero) *non solum extra iudicia sed in ipsis etiam orationibus habitus est nimius risus affectator.*

ita paratus venis] these words inserted (see Madvig § 476 d) break the construction of the sentence; but the *ita* leads to the employment of *ut* and the consequent dependence of the verb. Richter well compares de re publica I § 58 *si, ut Graeci dicunt, omnes aut Graecos esse aut barbaros.* So in § 41 above we have *ut* (='as') brought in by an inserted clause containing *ita*. Here *ita paratus* =*tam male paratus*, as Halm says.

sic breviter] just in a few words. For this use of *sic* compare Ter Phorm 145 *quid rei gerit? sic tenuiter*, Hor carm II 11 14 *sic temere.*

non ex his, quos mecum adduxerim, sed de populo subscriptor addatur? vobis autem tanta inopia reorum est, ut mihi causam praeripere conemini potius, quam aliquos ad columnam Maeniam vestri ordinis reos reperiatis? 'custodem' inquit 'Tullio me adponite.' quid? mihi quam 51
multis custodibus opus erit, si te semel ad meas capsas admisero? qui non solum ne quid enunties, sed etiam ne quid auferas, custodiendus sis. sed de isto custode toto sic vobis brevissime respondebo: non esse hos tales viros commissuros, ut ad causam tantam, a me susceptam, mihi creditam, quisquam subscriptor me invito adspirare possit. etenim fides mea custodem repudiat, diligentia speculatorem reformidat.

verum ut ad te, Caecili, redeam, quam multa te de- 52
ficiant vides; quam multa sint in te, quae reus nocens in accusatore suo cupiat esse, profecto iam intellegis. quid ad haec dici potest? non enim quaero, quid tu dicturus sis: video mihi non te, sed hunc librum esse responsurum, quem monitor tuus hic tenet: qui si te recte monere volet, suadebit tibi ut hinc discedas neque mihi verbum ullum respondeas. quid enim dices? an id quod dictitas, iniuriam tibi fecisse Verrem? arbitror; neque enim esset veri simile,

xvi. *de populo*] from the ranks. *addatur.* Thrust in on the top of me. The word is intentionally invidious. Compare pro Mur § 47 *morbi excusationi poena addita est*, Philippic II § 31 *cur quaestores additi?*

ad columnam Maeniam] for this pillar, standing at the entrance to the Forum, near which the *III viri capitales* held their court for trial of the lowest order of malefactors, see Ramsay p 17.

custodem] tack me on to Cicero as *subscriptor*, that I may keep my eye on his proceedings. *inquit.* Says one (such).

auferas] so *asportare* § 28.

qui..... sis] see on § 41 *qui verser.*

de isto custode toto] as to the question of watching generally. The Latin has the concrete.

adspirare] see on § 20.

52. *ad haec*] to meet these. So pro Caelio § 9 *verum ad istam omnem orationem brevis est defensio*, de divin I § 13 *ad morbos*, Livy I 11 *ad hos Romana legio ducta.*

arbitror] 'I suppose so [and there may be truth in your words] for 'twould be scarcely likely that' .... Compare with Richter Ter Eun 110 *civemne? arbitror; certum non scimus.* The words *neque enim* refer to the emphatic

cum omnibus Siculis faceret iniurias, te illi unum eximium,
53 cui consuleret, fuisse. sed ceteri Siculi ultorem suarum
iniuriarum invenerunt: tu, dum tuas iniurias per te, id quod
non potes, persequi conaris, id agis ut ceterorum quoque
iniuriae sint impunitae atque inultae; et hoc te praeterit,
non id solum spectari solere, qui debeat, sed etiam illud,
qui possit ulcisci: in quo utrumque sit, eum superiorem
esse; in quo alterum, in eo non quid is velit, sed quid facere
54 possit quaeri solere. quodsi ei potissimum censes permitti
oportere accusandi potestatem, cui maximam C Verres iniu-
riam fecerit: utrum tandem censes hos iudices gravius ferre
oportere, te ab illo esse laesum, an provinciam Siciliam
esse vexatam ac perditam? opinor, concedes multo hoc
et esse gravius et ab omnibus ferri gravius oportere. con-
cede igitur ut tibi anteponatur in accusando provincia.
nam provincia accusat, cum is agit causam, quem sibi illa

tibi. So in pro Mur § 31 *de eo pauca disseram; neque enim causa in hoc continetur*, where the emphasis is on *pauca*.

omnibus] = *ceteris*. See §§ 16, 61, and the *ceteri* here following.

unum eximium] chosen out of all as an object of his forbearance. *unus* is commonly used with superlatives in this sense, as Philippic II §§ 7, 84, see Madvig § 310 obs 2. Here *eximius* = *exemptus*, its original meaning, but rarely found. Halm well compares Livy IX 34 *tu unus eximius es in quo hoc praecipuum et singulare valeat*. It has then the force of a superlative, though this is not necessary: compare Catullus XXII 10 *Suffenus unus caprimulgus aut fossor*, Hor sat II 6 57 *iurantem me scire nihil mirantur ut unum scilicet egregii mortalem altique silenti*.

53. *id......illud*] *id* bears no especial force, but serves to introduce *qui debeat*, *illud* with great emphasis, 'but especially the following question'. See Madvig § 485 b, Roby § 2258, and compare the difference in the pronouns in pro Mur § 78 *isto animo atque ea opinione*. *qui* = *qualis vir*. See Madvig § 88 obs 1.

alterum] the former, not *alterutrum*, which the following words contradict.

54. *utrum*] is of course the pronoun.

opinor] compare Hor sat I 3 53 *opinor, haec res et iungit iunctos et servat amicos*, epp I 16 78 *opinor, hoc sentit, moriar, mors ultima linea rerum est*.

cum agit] for it is the province that really prosecutes when the case is conducted by the man of its choice. *cum* almost = inasmuch as ('by' with a participle), and takes the indicative. See Madvig § 358 obs 2, and compare I in Verrem §§ 28, 42.

defensorem sui iuris, ultorem iniuriarum, actorem causae
totius adoptavit.

17. at eam tibi C Verres fecit iniuriam, quae cetero- 55
rum quoque animos posset alieno incommodo commovere.
minime; nam id quoque ad rem pertinere arbitror, qualis
iniuria dicatur, quae causa inimicitiarum proferatur. cog-
noscite ex me; nam iste eam profecto, nisi plane nihil sapit,
numquam proferet. Agonis quaedam est Lilybaetana, liberta
Veneris Erycinae: quae mulier ante hunc quaestorem co-
piosa plane et locuples fuit. ab hac praefectus Antonii qui-
dam symphoniacos servos abducebat per iniuriam, quibus se
in classe uti velle dicebat. tum illa, ut mos in Sicilia est
omnium Veneriorum et eorum, qui a Venere se liberaverunt,
ut praefecto illi religionem Veneris nomine obiceret, dixit et
se et sua Veneris esse. ubi hoc quaestori Caecilio, viro 56

adoptavit] see the regular phrase in § 64 and compare the word *optio* in § 45. Here 'has chosen'.

xvii. 55. *causa inimicitiarum*] reason for bearing a grudge. See on § 61 *causam necessitudinis*, and compare pro Plancio §§ 24, 25.

Veneris Erycinae] to the temple of Venus at Eryx in the N W of Sicily, probably a Phoenician foundation, were attached a host of slaves male and female, who kept up the worship and had charge of the landed and other properties which formed the endowment of the establishment. These Verres had employed largely as the ministers of his arbitrary dealings with free Sicilians. Hence Cicero often calls him *homo Venerius*. See II in Verrem V § 142.

copiosa plane] ἀντίκρυς εὔπορος, 'downright well-to-do'.

praefectus] here *navium*, an officer in command of a squadron, 'commodore.' The word is a very general one, so *praefectura* = the office of a *praefectus*, ad fam VII 5 § 3.

Antonii] in BC 74 M Antonius was entrusted with an extraordinary command in the Mediterranean that he might clear the seas of the pirates, swarms of whom then infested every coast. He effected nothing, and employed his extensive powers to plunder the provincials. From an unsuccessful attempt upon Crete he received the nickname of Creticus. He was the elder son of M Antonius the famous orator, and father of the triumvir.

symphoniacos] 'choristers'. See II in Verrem V § 64, pro Milone § 55.

in classe] as τριηραῦλαι who gave the time to the rowers on board ship and were also called κελευσταί. Halm.

se liberaverunt] have bought their own freedom. So Agonis was a *liberta* with Venus Erycina for her patron.

religionem] some feeling of respect.

56. *quaestori*] as Quaestor of Lilybaeum he had the guardian-

optimo et homini aequissimo, nuntiatum est, vocari ad se Agonidem iubet: iudicium dat statim 'si paret eam se et sua Veneris esse dixisse'. iudicant recuperatores id, quod necesse erat; neque enim erat cuiquam dubium quin illa dixisset. iste in possessionem bonorum mulieris intrat, ipsam Veneri in servitutem adiudicat; deinde bona vendit, pecuniam redigit. ita, dum pauca mancipia Veneris nomine ac religione retinere vult, fortunas omnes libertatemque suam istius iniuria perdidit. Lilybaeum Verres venit postea: rem cognoscit, factum improbat, cogit quaestorem suum pecuniam, quam ex Agonidis bonis redegisset, eam mulieri
57 omnem adnumerare et reddere. est adhuc, id quod vos omnes admirari video, non Verres, sed Q Mucius. quid enim facere potuit elegantius ad hominum existimationem,

ship of the temple of Eryx, and probably jurisdiction in matters affecting its interests. Halm refers to II in Verrem II § 22. His powers could only be derived from direct commission of the Praetor and probably extended, as Halm remarks, only to civil suits.

viro......homini] in his public and private capacity. Compare pro Mur § 14 *virum bonum atque integrum hominem*.

iudicium dat] he sets on foot a trial and appoints a jury to whom through a prescribed formula he presents the issue submitted to their judgment.

si paret] the formula would go on *tum uti ipsa eiusque bona Veneri adiudicentur*. Compare II in Verrem III § 55 *dat iste iudicium, si pareret iugera eius fundi plura esse quam colonus esset professus, tum uti Xeno damnaretur*, § 69 *quaerebant quae in verba recuperatores daret. respondebat, si paret adversum edictum fecisse.* For the spelling of the word and its survival in *apparet*, *comparet*, see Festus p 233.

recuperatores] originally an international court, gradually developed into a civil court deciding disputes concerning property. Their jurisdiction was more speedy and informal than that of the ordinary courts. Hence they were a popular means of obtaining justice. Cicero's speech for Caecina was delivered to such a court. See Ramsay p 277.

intrat] as representative of the temple.

redigit] 'gets in' the money, the sum that the property fetched. Compare Livy V 16 *quod inde redactum militibus est divisum*.

ita] 'thus it came to pass that'.......

dum vult] Madvig § 336 obs 2.

eam] see on *id* § 8.

57. *Q Mucius Scaevola pontifex*] consul B C 95; he had won great credit by his fair and moderate government of the province of Asia.

elegantius] more well-judged. Almost the counterpart of Shakespeare's 'unproportioned', Hamlet I 3 60. Compare II in Verrem

aequius ad levandam mulieris calamitatem, vehementius ad quaestoris libidinem coercendam? summe haec omnia mihi videntur esse laudanda. sed repente e vestigio ex homine tamquam aliquo Circaeo poculo factus est Verres: rediit ad se atque ad mores suos. nam ex illa pecunia magnam partem ad se vertit; mulieri reddidit quantulum visum est. 18. hic tu si laesum te a Verre esse dicis, patiar et con- 58
cedam: si iniuriam tibi factam quereris, defendam et negabo. denique de iniuria quae tibi facta sit neminem nostrum graviorem iudicem esse oportet quam te ipsum, cui facta dicitur. si tu cum illo postea in gratiam redisti, si domi illius aliquotiens fuisti, si ille apud te postea cenavit,

III § 140 *quid potuit elegantius facere praetor cupidus existimationis bonae?* Livy XXXV 14, XXXVII 1. In pro Plancio § 31 *o adulescentiam traductam eleganter* it = *honeste*. In Philippic XIII § 38 the word is quoted in a despatch of Antonius and its use sharply criticised, a passage which well exemplifies the misrepresentations to which Cicero so often condescended.

ad] to win. Compare § 65, pro Mur § 29 *ad honorem*, § 38 *ad famam*.

repente e vestigio] Richter well compares de divin I § 72 *subito ex tempore*, Philippic V § 31 *sine ulla mora et confestim*.

Circaeo poculo] Odyssey X 237—40 *αὐτὰρ ἐπεὶ δῶκέν τε καὶ ἔκπιον, αὐτίκ' ἔπειτα ῥάβδῳ πεπληγυῖα κατὰ συφεοῖσιν ἐέργνυ· οἱ δὲ συῶν μὲν ἔχον κεφαλὰς φωνήν τε τρίχας τε καὶ δέμας, αὐτὰρ νοῦς ἦν ἔμπεδος ὡς τὸ πάρος περ.*

Verres] for the jokes which Cicero is never weary of making on this name see II in Verrem I § 121, IV §§ 53, 57, 95. Plutarch Cic 7 tells us that Caecilius was suspected of Judaism and that Cicero said *τί Ἰουδαίῳ πρὸς χοῖρον;* (*quid Iudaeo cum Verre?*).

xviii. 58. *laesum*] hurt, annoyed. Not necessarily implying an *iniuria*. But in II in Verrem III § 1 we have *nulla privatim laesi iniuria*.

defendam] opposed to *patiar*. The sense seems very near to the original meaning of the word 'ward off'. Render 'in this affair if your argument is that Verres annoyed you, I shall submit (to the blow thus aimed at me) and raise no objection; but if your plaint is that you were wronged, then I shall guard (the blow) and meet it with a flat denial'.

denique] in the second member of the period. Halm compares II in Verrem I § 149, II § 167, V §§ 11, 69. Add pro Sestio § 51.

quae tibi facta sit] 'done to you, as you affirm'. So § 59. The subjunctive is used to mark the statement as coming from Caecilius. See Madvig § 368.

graviorem] of more weight, authority. Halm compares pro Sulla § 3 *meum gravius esse iudicium*.

dicitur] so § 11.

utrum te perfidiosum an praevaricatorem existimari mavis?
video esse necesse alterutrum, sed ego tecum in eo non
59 pugnabo, quo minus utrum velis eligas. quodsi ne iniuriae
quidem quae tibi ab illo facta sit causa remanet, quid
habes quod possis dicere, quam ob rem non modo mihi, sed
cuiquam anteponare? nisi forte illud, quod te dicturum esse
audio, quaestorem illius fuisse. quae causa gravis esset, si
certares mecum, uter nostrum illi amicior esse deberet: in
contentione suscipiendarum inimicitiarum ridiculum est pu-
tare causam necessitudinis ad inferendum periculum iustam
60 videri oportere. etenim si plurimas a praetore tuo iniurias
accepisses, tamen eas ferendo maiorem laudem quam ulcis-
cendo mererere: cum vero in illius vita nullum rectius fac-
tum sit quam id, quod tu iniuriam appellas, hi statuent hanc
causam, quam ne in alio quidem probarent, in te iustam ad
necessitudinem violandam videri? qui si summam iniuriam
ab illo accepisti, tamen, quoniam quaestor eius fuisti, non
potes eum sine ulla vituperatione accusare: si vero non ulla

perfidiosum] a false friend of Verres. *praevaricatorem*, his sham enemy.

eligas] see § 45 note.

59. *iniuriae causa*] the plea, 'wrong done'. *causa* is used in this sense four times in this and the following section. The genitive after it is that treated of in the note on *onus laboris* § 5. So *causam necessitudinis* = the plea, 'close intimacy'; at the end of this section.

non modo] 'I do not say'. Madvig § 461 b obs 2. Compare §§ 29, 46.

cuiquam] any one at all. See the line quoted on *cuivis* § 20.

quaestorem fuisse] *te* is not needed, having been just used above. Halm compares II in Verrem III § 32 *habuisse te edictum recuperatores in octuplum daturum*.

contentione] so in § 62 *contentionem de accusando*, which is equivalent to the phrase here. Richter.

60. *ferendo*] ut filium decet. See § 61.

illius] goes with *rectius factum*. Richter.

ne quidem] see on § 44. *alio*, some one who has not served under Verres as Quaestor.

si accepisti] the indicative is used, because in stating a dilemma both members are put as facts. So Richter has rightly seen and refers to de invent I § 45, auct ad Herenn IV § 52.

sine ulla vituperatione] 'without any blame', 'wholly free from reproach'. Compare de off II § 40 *ne illi quidem qui maleficio et scelere pascuntur possunt sine ulla particula iustitiae vivere*. '*sine aliqua vituperatione*' would mean 'without some blame'. Halm.

tibi facta est iniuria, sine scelere eum accusare non potes.
quare cum incertum sit de iniuria, quemquam horum esse
putas, qui non malit te sine vituperatione quam cum scelere
discedere?
19. ac vide, quid differat inter meam opinionem et tuam. 61
tu cum omnibus rebus inferior sis, hac una re te mihi ante-
ferri putas oportere, quod quaestor illius fueris: ego, si supe-
rior ceteris rebus esses, hanc unam ob causam te [accusa-
torem] repudiari putarem oportere. sic enim a maioribus
nostris accepimus, praetorem quaestori suo parentis loco
esse oportere; nullam neque iustiorem neque graviorem
causam necessitudinis posse reperiri quam coniunctionem
sortis, quam provinciae, quam officii, quam publici muneris
societatem. quam ob rem si iure posses eum accusare, 62
tamen, cum is tibi parentis numero fuisset, id pie facere non
posses: cum vero neque iniuriam acceperis et praetori tuo
periculum crees, fatearis necesse est te illi iniustum impium-

non ulla] 'none whatever'. Strong form for *nulla*, in opposition to *summam* above.

quemquam] see on § 20.

malit] a preference which he can shew by voting against your appointment as prosecutor.

xix. 61. *ac vide......*] 'now just look at the difference between our respective points of view'.

cum sis] Madvig § 358 obs. 3.

omnibus rebus] in all other respects. *hac una re*. On the ground of this one = on this one ground.

ceteris] on this Madvig remarks that two good MSS here have *omnibus*, adding that copyists often put in *reliqui ceteri alii*, displacing *omnes* or *toti* when there was any difficulty in at once taking in the meaning. He therefore would read *omnibus*. See § 16 *omnibus patronis*, § 44 *omni ratione*. Having however some doubt whether the expression may not have been purposely varied by Cicero (*omnibus rebus* having been used just before) I do not feel justified in changing the accepted reading.

sic] pointing beforehand to the contents of the infinitive proposition. Madvig § 395 obs 6.

parentis loco] for, as Richter well remarks, the Quaestor began his public career under the guidance of the Praetor.

causam necessitudinis] this might be taken as in § 6, but I strongly prefer here to render it 'ground for close friendship'. Compare § 55 *causa inimicitiarum*.

sortis] see §§ 46, 65.

provinciae] official duties.

62. *iure*] on the ground, that is, of wrong done you.

numero] see Roby §§ 1159, 1172.

iniustum] for the figurative expression Halm compares de off I § 36.

que bellum inferre conari. etenim ista quaestura ad eam rem valet, ut elaborandum tibi in ratione reddendā sit, quam ob rem cui quaestor fueris accuses, non ut ob eam ipsam causam postulandum sit, ut tibi potissimum accusatio detur. neque fere umquam venit in contentionem de accusando qui
63 quaestor fuisset, quin repudiaretur. itaque neque L Philoni in C Servilium nominis deferendi potestas est data neque M Aurelio Scauro in L Flaccum neque Cn Pompeio in T Albucium: quorum nemo propter indignitatem repudiatus est, sed ne libido violandae necessitudinis auctoritate iudicum comprobaretur. atque ille Cn Pompeius ita cum C Iulio contendit, ut tu mecum; quaestor enim Albucii fuerat, ut tu Verris: Iulius hoc secum auctoritatis ad accusandum adferebat, quod, ut hoc tempore nos ab Siculis, sic tum ille ab Sardis rogatus ad causam accesserat. semper haec causa plurimum valuit, semper haec ratio accusandi fuit honestissima, pro sociis, pro salute provinciae, pro exterarum nationum commodis inimicitias suscipere, ad periculum accedere, operam, studium, laborem
64 interponere. 20. etenim si probabilis est eorum causa, qui iniurias suas persequi volunt, qua in re dolori suo, non rei

ad eam rem] = *ad id.*

cui quaestor fueris] for the omission of the demonstrative pronoun see Madvig § 321, and compare § 73 below.

postulandum] see on § 10.

quaestor fuisset] ei de quo accusando esset contentio.

63. Of the instances which follow, the last alone is known to us accurately. Cn Pompeius Strabo, father of Pompeius Magnus, wanted to bring a charge of extortion (in BC 103) against T Albucius whose Quaestor he had been in Sardinia, but was worsted in the *divinatio* between him and C Julius Caesar, a popular orator of the time, and especially distinguished for his wit (Brutus § 177), whom the Sardinians had chosen for their *patronus* (de off II § 50). T Albucius went into exile in Greece (Tusc disp V § 108). Richter.

atque ille] now mark, the relations of the parties were in that case the same as in the present.

causa] 'plea'. *ratio*, 'principle'.

exterarum nationum] see on § 7.

interponere] see on § 21.

XX. 64. *iniurias suas*] see Merivale c 44 'the Romans made no scruple of avowing their personal animosities; the spirit of revenge with them was a virtue which a man would affect if he had it not', and the quotations there given in notes. Sometimes,

publicae commodis serviunt, quanto illa honestior causa est, quae non solum probabilis videri, sed etiam grata esse debet, nulla privatim accepta iniuria, sociorum atque amicorum populi Romani dolore atque iniuriis commoveri. nuper cum in P Gabinium vir fortissimus et innocentissimus L Piso delationem nominis postularet et contra Q Caecilius peteret isque se veteres inimicitias iam diu susceptas persequi diceret: cum auctoritas et dignitas Pisonis valebat plurimum, tum illa erat causa iustissima, quod eum sibi
Achaei patronum adoptarant. etenim cum lex ipsa de pecu- 65
niis repetundis sociorum atque amicorum populi Romani patrona sit, iniquum est non eum legis iudiciique actorem idoneum maxime putari, quem actorem causae suae socii defensoremque fortunarum suarum potissimum esse voluerunt. an quod ad commemorandum est honestius, id ad probandum non multo videri debet aequius? utra igitur est splendidior, utra inlustrior commemoratio? 'accusavi eum, qui quaestor fueram, quicum me sors consuetudoque maiorum, quicum me deorum hominumque iudicium coniunxerat', an: 'accusavi rogatu sociorum atque amicorum, delectus sum ab universa provincia, qui eius iura fortunasque

however, as here, we find the contrary feeling shewing itself. Compare II in Verrem III § 169 *honestius est alienis iniuriis quam sua commoveri.*

nuper] P Gabinius had been Praetor in BC 89, after which he took a provincial government. The charge of misgovernment cannot have been preferred less than 15 years before Cicero's present speech. Tischer remarks that so in Cato maior § 61 Cato is made (BC 150) to speak of the dead Pontifex maximus P Licinius Crassus Dives, and in § 27 *modo* even is used. So too in Tusc disp I § 59 Cicero speaking himself uses *nuper* (= in later times) of the Academic Charmadas who flourished some 60 years before the composition of the treatise, as he is speaking of him together with persons who lived centuries ago. See below also § 67.

L Piso] colleague of Verres in the Praetorship BC 74. Of this Caecilius nothing is known.

postularet] see on § 10.

65. *an.....non*] 'must not then?' ... *ad commemorandum*. See on § 57.

sors] see §§ 46, 61.

hominum iudicium] the view of the earlier Romans, who had seen a close bond of connexion in official relation. Halm.

qui defenderem] Madvig § 363.

defenderem?' dubitare quisquam potest quin honestius sit
eorum causa, apud quos quaestor fueris, quam eum, cuius
66 quaestor fueris, accusare? clarissimi viri nostrae civitatis
temporibus optimis hoc sibi amplissimum pulcherrimumque
ducebant, ab hospitibus clientibusque suis, ab exteris nati-
onibus, quae in amicitiam populi Romani dicionemque es-
sent, iniurias propulsare eorumque fortunas defendere. M
Catonem illum sapientem, clarissimum virum et prudentis-
simum, cum multis graves inimicitias gessisse accepimus
67 propter Hispanorum, apud quos consul fuerat, iniurias. nu-
per Cn Domitium scimus M Silano diem dixisse propter
unius hominis Aegritomari, paterni amici atque hospitis, in-
iurias. 21. neque enim magis animos hominum nocentium
res umquam ulla commovit quam haec maiorum consuetudo
longo intervallo repetita ac relata. sociorum querimoniae
delatae ad hominem non inertissimum, susceptae ab eo, qui

66. *in amicitiam ...... essent*] there can be no doubt that this startling construction is the result of a blending of two notions, (*a*) motion, (*b*) rest. Halm compares II in Verrem V § 98 *in eorum potestatem portum futurum intellegebant*. Add Plautus Amph 180 *nam numero mi in mentem fuit*, Casin II 3 28 *ubi in lustra iacuisti?* For the sense of the words see on § 7. [If any one be still dissatisfied with the construction, he may compare II in Verrem II § 2 *civitates eius insulae quae semel in amicitiam nostram venissent*, and emend this passage. Richter remarks that Gellius calls it a solecism, but supports it by other instances, see Gellius I 7 § 17, Cic de imp Cn Pomp § 33.]

M Catonem] the famous Censor. For his support of the cause of the Spaniards in B C 171, and of the Lusitanians in 149, Richter refers to Livy XLIII 2, epit XLIX, Valer Max VIII 1 § 2.

propter......iniurias] notice the order of the words here, and see Madvig §§ 466 b, 469 obs 2.

67. M Junius Silanus had as consul in B C 109 fought a battle without the people's permission against the Cimbri in Gaul, and was utterly defeated. He was brought to trial in 104 by Cn Domitius Ahenobarbus, then Tribune, on the charge of *maiestas* [or, as Richter more probably thinks, of *perduellio*; see Merivale c 44]. The assigned reason was as given above, but Cicero again, II in Verrem II § 118, tells us that the real one was revenge for an injured friend. Halm.

xxi. *non inertissimum*] = *minime inertem*. Compare § 21 *non optime*, and ad fam I 9 § 2 *tu me consiliario fortasse non imperitissimo, fideli quidem et benevolo certe usus esses*. So in Greek *οὐ* is used with superlatives. On the word *iners*, Paulus diac p 110 says '*iners*', *ignavus vel sine arte*.

videbatur eorum fortunas fide diligentiaque sua posse de-
fendere. hoc timent homines, hoc laborant, hoc institui 68
atque adeo institutum referri ac renovari moleste ferunt.
putant fore ut, si paullatim haec consuetudo serpere ac
prodire coeperit, per homines honestissimos virosque fortissi-
mos, non imperitos adulescentulos aut illius modi quadrupla-
tores leges iudiciaque administrentur. cuius consuetudinis 69
atque instituti patres maioresque nostros non paenitebat
tum, cum P Lentulus, is qui princeps senatus fuit, accusa-
bat M' Aquilium subscriptore C Rutilio Rufo, aut cum P
Africanus, homo virtute, fortuna, gloria, rebus gestis amplis-
simus, postea quam bis consul et censor fuerat, L Cottam in
iudicium vocabat. iure tum florebat populi Romani nomen,
iure auctoritas huius imperii civitatisque maiestas gravis
habebatur. nemo mirabatur in Africano illo, quod in me
nunc, homine parvis opibus ac facultatibus praedito, simu-
lant sese mirari, cum moleste ferunt. 'quid sibi iste vult? 70

Compare Lucilius frag XIII 12 *ut perhibetur iners, ars in quo non erit ulla*. Render 'placed in the hands of a competent person'.

videbatur] at the time.

68. *atque adeo*] 'yea more'. Hence, 'or rather'. Halm compares II in Verrem II § 148 *hoc significant atque adeo aperte ostendunt*.

adolescentulos] see on § 24.

69. *P Lentulus*] of this case nothing worth mentioning is known.

princeps senatus] this was a purely honorary title, denoting the senator whose name was first read out by the Censors at the revision of the list. It was in later times regularly borne by the Emperor, and the word *senatus* soon dropped.

P Africanus] the younger Scipio's full name was P Cornelius Scipio Aemilianus Africanus minor.

postea quam fuerat] that is, after some lapse of time. See Madvig § 338 b obs 1.

bis consul] B C 147 (Carthage), and 134 (Numantia). See pro Mur § 58.

censor] in B C 142.

L Cottam] consul B C 144. Cicero tell us (Brutus § 82), that he was looked upon as a *veterator*, probably referring to his oratory. With great difficulty he procured a verdict of acquittal, which he is said to have bought. Halm refers to Appian B C I 22, Valer Max VIII 1 § 11.

cum......ferunt] 'when all the while the truth is they are angry'. *cum* strictly denotes 'at the time when' (Madvig § 358), and *nunc* marks the time as the present. Compare pro Plancio § 68 *nunc cum petitur*. So in pro Mur § 8 I prefer *nunc cum Murenam ipsum petis* to *petas*.

accusatoremne se existimari, qui antea defendere consueverat, nunc praesertim ea iam aetate cum aedilitatem petat?' ego vero et aetatis non modo meae, sed multo etiam superioris, et honoris amplissimi puto esse et accusare improbos et miseros calamitososque defendere. et profecto aut hoc remedium est aegrotae ac prope desperatae rei publicae iudiciisque corruptis et contaminatis paucorum vitio ac turpitudine, homines ad legum defensionem iudiciorumque auctoritatem quam honestissimos et integerrimos diligentissimosque accedere: aut, si ne hoc quidem prodesse poterit, profecto nulla umquam medicina his tot incommodis reperi-
71 etur. nulla salus rei publicae maior est quam eos qui alterum accusant non minus de laude, de honore, de fama sua, quam illos qui accusantur de capite ac fortunis suis pertimescere. itaque semper ii diligentissime laboriosissimeque accusarunt qui se ipsos in discrimen existimationis venire arbitrati sunt.

22. quam ob rem hoc statuere, iudices, debetis, Q Cae-

70. *cum...petat*] Richter treats the subjunctive as marking a transition to the causal sense. If so, the reason must be the reason for the astonishment expressed by the people supposed to be speaking. Compare pro Mur § 6 *cum omnes me causae ad misericordiam vocent*, but I believe that it = *cum petit* 'at the age when he is standing for the Aedileship' (see last note), and is in the subjunctive merely as the verb of a clause dependent on *se existimari*. Compare pro Mur § 8 *cum adeptus sis*.

ego vero] 'my answer is that I think'...... compare pro Plancio § 86 *dixisti non auxilium mihi sed me auxilio defuisse. ego vero fateor me, quod viderim mihi auxilium non deesse, idcirco illi auxilio pepercisse*. So *autem* in pro Mur § 6.

superioris] so Caesar B C II 5 *omnis iuventus omnesque superioris aetatis*.

amplissimi] such as the consulship and censorship. See § 69.

miseros calamitososque] see pro Mur § 50.

desperatae] 'given over', almost technical as a doctor's phrase. So Lentulus in ad fam XII 14 § 3 *Rhodii nos et rem publicam quam valde desperaverint*, Seneca epp XXIX §§ 4, 5 who says *Marcellinum nostrum ego nondum despero*.

auctoritatem] to maintain, guarantee the *iudicia*. Compare Julius Paullus sent II 17 § 1 *venditor si eius rei quam vendiderit dominus non sit, pretio accepto auctoritatis manebit obnoxius* (will be bound to make good the title), and Cicero pro Caecina § 27, pro Mur § 3. The opposite is given in pro Sulla § 33 *itaque attende, Torquate, quam ego defugiam auctoritatem consulatus mei*.

cilium, de quo nulla umquam opinio fuerit nullaque in hoc ipso iudicio exspectatio futura sit, qui neque ut ante collectam famam conservet, neque uti reliqui temporis spem confirmet laborat, non nimis hanc causam severe, non nimis accurate, non nimis diligenter acturum. habet enim nihil quod in offensione deperdat: ut turpissime flagitiosissimeque discedat, nihil de suis veteribus ornamentis requiret. a nobis 72
multos obsides habet populus Romanus, quos ut incolumes conservare, tueri, confirmare ac recuperare possimus, omni ratione erit dimicandum. habet honorem quem petimus, habet spem quam propositam nobis habemus, habet existimationem multo sudore labore vigiliisque collectam, ut, si in hac causa nostrum officium ac diligentiam probaverimus, haec quae dixi retinere per populum Romanum incolumia ac salva possimus: si tantulum offensum titubatumque sit, ut ea, quae singillatim ac diu collecta sunt, uno tempore universa perdamus. quapropter, iudices, vestrum est deli- 73
gere, quem existimetis facillime posse magnitudinem causae ac iudicii sustinere fide, diligentia, consilio, auctoritate. vos

71. *reliqui temporis*] simply 'the future.' Compare pro Mur § 73.

laborat] why not subjunctive, as *fuerit* and *futura sit?* Possibly because, coming next to *confirmet*, *laboret* would sound ill. *de quo* then = 'a man concerning whom,' *qui* = (Caecilius) who (as a matter of fact).

offensione] 'failure,' see Holden on de off I § 71 *offensionum et repulsarum*.

ut] concessive. See Madvig § 440 a obs 4.

discedat] 'come out of' the Verres trial.

requiret] see on § 18.

72. *obsides*] pignora officii mei et diligentiae. Halm. Richter compares pro Caelio § 78. The metaphor is kept up in the following words.

ac] connects *conservare tueri confirmare* with *recuperare*. So § 46 *et*. Richter. *recuperare* is used to keep up the metaphor; the sense is = *retinere* below.

honorem quem petimus] = my candidature for the Aedileship, (which would oblige him to do his best).

spem] hope of higher honours.

vigiliisque] *que* as often only with the last of the series. See pro Mur § 1.

ut.... ..ut] see on I in Verrem § 10.

si......sit] notice the change (boni ominis causa) from the direct *probaverimus*.

73. *quem*] see on *cui* § 62.

magnitudinem causae] = *causam tam magnam*.

sustinere] so § 27.

si mihi Q Caecilium anteposueritis, ego me dignitate superatum non arbitrabor; populus Romanus ne tam honestam, tam severam diligentemque accusationem neque vobis placuisse neque ordini nostro placere arbitretur, providete.

consilio] 'tact.' So § 37, pro Mur § 24 *consilio atque oratione.*

auctoritate] personal weight. See auct ad Herenn I § 8, Quintilian XII 1 § 11. So Aristotle Rhet I 2 § 4 σχεδὸν ὡς εἰπεῖν κυριωτάτην ἔχει πίστιν τὸ ἦθος.

placuisse] on this occasion. *placere*, as a rule.

APPENDICES.

A. *Divinatio.*

When a citizen wished to impeach another before one of the criminal *quaestiones perpetuae*, the first step he took was to apply to the Praetor or *iudex quaestionis* who was president of the court before which the case would be tried for leave to bring the charge. This was called *postulatio* (see on § 10 of the speech), and was ordinarily followed by the formal notice of the name of the accused and the charges to be brought against him (*nominis* or *criminis delatio*). But, since it was in the power of any citizen to prefer such an accusation, cases might and did occur of two or more wanting to prosecute the same man on the same charge. It was then necessary to decide who should have the preference (*cui potissimum delatio daretur* § 10), and accordingly a jury, unsworn, were chosen to pass judgment in the matter (argument of Scholiast to speech). The proceeding was called *actio de constituendo accusatore* or technically *divinatio.* The meaning of the word needs illustration. Gellius II 4 says *Gavius Bassus in tertio librorum quos de origine vocabulorum composuit 'divinatio' inquit 'iudicium appellatur quoniam divinet quodammodo iudex oportet quam sententiam sese ferre par sit.' nimis quidem est in verbis Gavi Bassi ratio inperfecta vel magis inops et ieiuna. sed videtur tamen significare velle idcirco dici 'divinationem,' quod in aliis quidem causis iudex ea [quae] didicit quaeque argumentis vel testibus demonstrata sunt sequi solet, in hac autem re, cum eligendus accusator est, parva admodum et exilia sunt quibus moveri iudex possit, et propterea quinam magis ad accusandum idoneus sit quasi divinandum est.* With this compare the passage of Cicero (pro Plancio § 46) referred to by Halm, *hanc tu rationem quum fugeris quumque eos iudices habere nolueris, quorum in huius delicto quum scientia certissima tum dolor gravissimus esse debuerit, quid*

4—2

apud hos dices qui abs te taciti requirunt cur sibi hoc oneris imposueris, cur se potissimum delegeris, cur denique se divinare malueris quam eos qui scirent iudicare? From these passages we may fairly infer that the name *divinatio* was applied to such a trial because it concerned not the past but the future, decided not a question of facts proven by witnesses, but a matter of opinion led by eloquence and argument. Compare Quintilian III 10 § 3 (speaking of the *genera causarum iudicialium*) *diversum his tertium genus, quod dicitur comparativum ......rarum est autem ut in foro iudicia propter id solum constituantur, sicut divinationes.* It may not be out of place to observe that the name of the trial was also applied to the speech delivered by a claimant. Halm well quotes Suet Caes 55, where we are told that out of a speech of Caesar Strabo Julius Caesar *ad verbum nonnulla transtulit in divinationem suam.*

B. *On div in Caec* § 31.

(1) The MSS here have *non modo suspitionem* (or *suspicionem*) *verum etiam mentionem.* On this Madvig (Adversaria II 196) remarks that Pluygers is right in looking for some word in place of *suspitionem* stronger than *mentionem.* He proposes then to read *subscriptionem,* in the same sense as *crimen subscribere,* 'shrinking as it must, I do not say from directly advancing a serious charge against Verres, but from merely touching upon it'. He adds that the speech pro Cluentio supplies many instances of this sense, and quotes Asconius in Milon '*repetitus deinde est lege Plautia de vi ea subscriptione quod loca superiora occupasset*', ending with the remark 'Verres accusabatur de repetundis ea inter alias subscriptione quod ab aratoribus frumenti in cellam nomine pecuniam extorsisset'. I am so strongly convinced of the necessity of this very slight emendation (for spelling of *suspitio* see on I in Verrem § 17), that I have received it into the text. Perhaps further illustration of the word in question may not be out of place.

(2) Forcellini says *subscriptio* in re forensi est adscriptio nominis sui facta ab eo qui alterum est accusaturus, quae et inscriptio dicitur. He compares Ulp Dig 48 2 7 *si cui crimen*

obiciatur, praecedere debet in crimen subscriptio, quae res ad id inventa est ne facile quis prosiliat ad accusationem, cum sciat inultam sibi non futuram, Seneca de benef III 26 § 2 *et cum Maro convivas testaretur et iam subscriptionem componeret,* Gellius II 4 § 1 *cuinam potissimum ex duobus pluribusve accusatio subscriptiove detur.* *subscriptio* then is properly the act of the accuser, binding himself over to prosecute: the sense of joining in a prosecution as a junior counsel (see div in Caec § 49) is secondary to this.

(3) The same may be said of the verb *subscribere.* Forcellini quotes Macer Dig 48 2 8 *qui duo iudicia adversus duos reos subscripta habet.* So also Cicero pro Cluentio § 131 *in P Popilium subscripsit L Gellius,* de invent II § 58 *quia parricidii causa subscripta esset,* Plautus Poen III 6 5 *cras subscribam homini dicam,* Pliny epp V 1 § 6 *post hoc ille cum ceteris subscripsit centumvirale iudicium, non subscripsit mecum.* The secondary sense is common; compare for instance Velleius II 69 § 5 *Capito patruus meus Agrippae subscripsit in C Cassium.*

(4) The substantive *subscriptor* likewise properly signifies a prosecutor or one who binds himself over to prosecute. Hence in div in Caec § 49 we read *quartum quem sit habiturus non video,* Caecilius counting as one. On this Halm aptly quotes fragm legis Serviliae* repetundarum '*unum actorem et qui eum adiuvent alios subscriptores facito in contione iudicum iniuratorum*'.

C. *Repetundae.*

Repetundae are thus defined by Sigonius (de iudiciis II 27): repetundae pecuniae dictae sunt quas sive socii sive cives privati a magistratibus aut iudicibus aut publicis procuratoribus iudicio repetiverunt, quas illi aut in provincia aut in urbe aut ob ius dicendum aut ob iudicandum aut ob aliud aliquid publice curandum cepissent. That Roman citizens had the same right as allies to institute criminal proceedings de repetundis is abundantly proved by the fragments of the lex Acilia (on which see below), and is implied by Cicero when he says (div in Caecilium § 18) *civibus cum sunt ereptae pecuniae civili fere*

* or Aciliae, see below Appendix C 2.

actione et privato iure repetuntur; where the use of *fere* implies that they had the right to prosecute criminally, although they generally proceeded by a civil suit. But that the primary object of the *leges de repetundis* was the protection of the provincials and that the court dealt chiefly with the extortions of officials in the provinces is clear from many passages (div in Caecilium §§ 17, 18, I in Verrem § 42, II in Verrem I § 15 etc.).

1. The *quaestio perpetua de repetundis* (the first of the *quaestiones perpetuae*) was established by the lex Calpurnia of L Calpurnius Piso enacted BC 149 (II in Verrem III § 195 etc.). The praetor peregrinus presided and the court was composed of senators; the procedure was by the ordinary civil action known as *sacramento* (Wordsworth's early Latin pp 178, 426). The penalty was the forfeiture of the caution-money deposited by the defendant, together with the sum estimated by the jury as extorted or illegally received. This law was followed by the lex Julia de repetundis, of the provisions of which nothing is known. In passing we may observe that the lex Cassia tabellaria (BC 138) substituted secret ballot for the open voting which had hitherto been the rule in criminal trials (*iudicia publica*), de legibus III § 35, pro Sest § 103.

2. In BC 123 or 122 was passed the lex Acilia, the author of which was M' Acilius Glabrio, the father of the Glabrio who presided in the trial of Verres (I in Verrem § 51). This law exists in a mutilated state on a bronze tablet, and was edited by Klenze under the name of fragmenta legis Serviliae; it is now however generally agreed that it is the lex Acilia (Wordsworth pp 426, 427). By this law important alterations were made. Senators were excluded from sitting on the jury, which in accordance with the lex Sempronia of BC 123, was to be composed of men of equestrian census. The sacramentum was abolished and a special praetor was appointed for the court (*praetor repetundis*). Four hundred and fifty iudices were appointed annually by the praetor, of whom 100 sat in each trial, the parties to the suit each choosing 100 and challenging 50 of those chosen by the other side. If two-thirds of the court returned a verdict of N L (*non liquet*) one fresh trial (*ampliatio* II in Verrem I § 26) was allowed, but no more: any juryman saying *non liquet* on the second trial being liable to a fine of 10,000 sesterces. The penalty was to be double (*dupli*) the sum found to have been extorted or corruptly received. For the text of the lex Acilia and comments thereon see Wordsworth pp 176—189, 424—438.

3. The lex Servilia proposed by C Servilius Glaucia, tribune of the plebs, was passed probably about BC 111. It abolished the *ampliatio* allowed by the lex Acilia, but provided that there should be an adjournment of a day (*comperendinatio*) II in Verrem I § 26 *verum ut opinor Glaucia primus tulit ut comperendinaretur reus; antea* (i e under the lex Acilia) *vel iudicari primo poterat vel 'amplius' pronuntiari.* The trial was thus divided into two parts, the *actio prima* and the *actio secunda*, and the verdict was to be either of acquittal or of condemnation, a return of *non liquet* not being allowed.

4. The lex Cornelia of Sulla (BC 81), under which the proceedings in the case of Verres were taken, seems to have been based upon the lex Servilia. The alterations were the transfer of the court (as of all the other courts) to the senators and perhaps the increase of the penalty to two and a half times the amount in question (compare div in Caecilium § 19 with I in Verrem § 56) with the addition of outlawry (*aquae et ignis interdictio* II in Verrem II § 76). Provision was also made for the recovery of plunder from parties other than the accused into whose hands it had come (*quo ea pecunia pervenisset* ad fam VIII 8 § 2). The jury for each case were chosen by lot (*sortitione* I in Verrem § 16) and the accused, if not a senator, could not challenge more than three iudices (II in Verrem II § 77). Secret voting seems to have been continued in the court of repetundae (div in Caecilium § 24) although in some of the criminal courts under the leges Corneliae the votes of the jury were given either openly or secretly at the option of the defendant (pro Cluent §§ 55, 75).

5. The lex Aurelia (BC 70) altered the constitution of the court of repetundae in common with all the rest, enacting that they should be composed one-third of senators, one-third of equites, and one-third of tribuni aerarii.

6. The lex Julia of C Julius Caesar (BC 59) abolished the punishment of outlawry and increased the pecuniary penalty to fourfold (*quadrupli*), cf pro Sest § 135, pro Rabirio §§ 8, 9.

VARIATIONS FROM HALM'S TEXT OF THE DIVINATIO (1867).

§ 4. dedissem.	dedidissem. H.
§ 12. dices.	dicis. H.
§ 14. praeter duas civitates: quarum duarum si.	praeter duarum: quarum si. H.
§ 28. suspitiosum.	suspiciosum. H.
§ 31. subscriptionem.	suspicionem. H.
§ 46. orationi subire? [invidiam] vide modo.	orationis subire invidiam? vide modo. H.
§ 50. ex quibus alienissimis hominibus ita paratus venis ut tibi hospes aliquis sit recipiendus.	ex quibus alienissimis hominibus —ita paratus venis—tibi hospes aliquis est recipiendus. H.
§ 57. repente e vestigio.	repente [e vestigio]. H.
§ 60. non ulla.	nulla H.

INDEX TO NOTES ON THE DIVINATIO.

[*The numbers refer to sections.*]

M T CICERONIS

IN C VERREM ACTIO PRIMA

ABSTRACT OF THE SPEECH.

§ 1. The case of Verres affords an opportunity of retrieving the lost character of the iudicia. People have come to believe that with our present courts no wealthy criminal has anything to fear. § 2. Now when agitation for judicial reform is rife, you have in Verres a criminal whose guilt no one doubts, who relies on his wealth to procure acquittal. I have come forward in this case not to enhance the odium of our order, but to assist in recovering its reputation, reviving its popularity, and doing justice to the provincials. § 3. By a strict and righteous judgment you will retain the prestige to which you have a right, but if you yield to Verres' bribes, all will see that there lacked not a criminal nor a prosecutor, but a court. § 4. For myself in spite of all I have gone through already I have never felt so much alarm as at this moment, not so much at the popular excitement, as at the plots which Verres is devising against all of us. He boasts that he has plenty of plunder to spare, that money is all-powerful. § 5. Fortunately his impudence is equalled by his folly: his designs are patent to everyone. When fresh from his province he was first impeached by me, he was terrified at the prospect of an immediate trial, § 6. so he trumped up a sham prosecution to delay mine: but I frustrated his design by my despatch in collecting evidence. § 7. Now when he sees me prepared to gibbet his infamy before the eyes of all men and an overwhelming host of witnesses arrayed against him, § 8. he yet has so bad an opinion of you that he openly avows that his greed of money is justified by its enabling him to purchase a convenient time for his trial. § 9. Now if he relied on any honourable means of defence he would not have recourse to such shifts as to set up men of straw to hinder his trial and give him time for his intrigues. § 10. All his designs are to me as clear as day: he trusts in money and money alone, for what else can save him?

§ 11. All know his life: the misdeeds of his quaestorship, his robberies and outrages in Asia, his betrayal of his praetor Dolabella, whose partner and accomplice he had been. § 12. His urban praetorship was a one continued perversion of the forms of justice. The crown of all his misdeeds is his government of Sicily, which he has ruined beyond recall. § 13. Under him the Sicilians had not even the common rights of mankind, satiety or ignorance were the only bounds to his cruelty and rapacity. His career was marked by malversation and corruption: the torture and murder of Roman citizens: the treatment of faithful allies as enemies, the neglect of all precautions for the safety of the province. § 14. He stripped the cities of their public monuments, the temples of their statues, masterpieces of ancient art. I refrain through shame from mentioning his lusts and outrages on the wives and daughters of those whom he ruled: § 15. and there is no need to relate them, for all who have heard his name have heard of them: you have come here not to learn his crimes but to review what you already know too well. This being the case, he pretends to rely on his powerful friends, members of the so-called 'nobility', for his acquittal. § 16. But his real trust is something quite different. I will briefly tell you the story. On his return he at once concluded an arrangement with certain persons to secure his escape from justice: but the bargain fell through when the result of the sortition and challenges seemed to baffle all hope of corrupting the jury. § 17. Lists of the bench were in everybody's hands: your names were such as no suspicion could attach to: Verres was reduced to despair. But within the last few days these intrigues have been renewed on a greater scale. A slight hint first gave me the clue, and following it up I have penetrated all the most secret designs of Verres and his friends. § 18. The hint was this. Hortensius as he was being conducted home by his supporters after his election as consul meets Curio (whom I name with all respect for his worth and his friendship for me). § 19. Curio catches sight of Verres in the crowd: he goes up to him and congratulates him: 'to-day's election', he says, 'has secured your acquittal'. As this was uttered in the hearing of many persons, I was at once informed of it. some of my informants laughed at it, others who saw

deeper suspected some grave danger. § 20. Worthy men said to me, 'Where are now the courts of justice when a criminal's acquittal is secured by his advocate being elected consul? Is all the array of evidence, the reputation of the Roman people to go for nothing, if the consul-designate so wills it?' I was deeply moved: the fate of the senatorial courts seemed decided. § 21. I endeavoured to hide my feelings and tried to make light of it. Again when the presidency of this court for next year was allotted to M Metellus, Verres was congratulated afresh. § 22. I was not pleased at this: but I did not see much to fear. I discovered one fact, that part of the Sicilian plunder was to be employed to prevent my election as aedile. § 23. One of Verres' agents came to me and told me of a meeting at which he had been present, at which Verres had promised large sums on condition of my defeat. § 24. I was hampered and beset on all sides: distracted by the conflicting necessities of the elections and the trial, I was unable to act freely with regard to either. § 25. Just then I heard that Hortensius summoned the Sicilians to his house, but they refused to come. However, in spite of all the efforts of Verres and his son, or rather in consequence of them, I gained my election.

§ 26. Now I could give my whole mind to the trial. I found that it was designed to protract it into next year when the praetor and the two consuls would be friends of Verres. Let me give you a proof of the friendship of Q Metellus for him. § 27. I will not be silent on matters of such grave moment. Metellus in his turn sends for the Sicilians: some of them obey: he tells them that he is consul, one of his brothers praetor of this court, another is governor of Sicily: that every precaution has been taken for the safety of Verres. § 28. What is this but to defeat the ends of justice? To what lengths would you go, Metellus, in behalf of an innocent man, when for such a wretch you desert your duty and act so as to give a colour to what he says about you? § 29. For they say that he asserts that your election is due to him. 'So', he says, 'we shall have the two consuls and the praetor to our mind. We shall not have Glabrio to preside: Caesonius too will not sit on the jury next year, as he will be aedile'. § 30. 'We shall also get rid of other severe and incorruptible judges, who will have entered upon various offices.

So next year with a new praetor and almost entirely new jury we shall be able to baffle our accuser's threats and the popular expectation'. § 31. To-day is the nones of August: in ten days come the votive games, then the Roman. Forty days will thus be lost: after that they think that by long speeches and delays they will prolong the trial to the games of Victory, on which the plebeian games follow. After these there even will be few or no *dies fasti.* So the prosecution will be tired out and the matter will come undetermined to a friendly praetor, M Metellus, § 32. whom I would rather have as a juryman than a praetor. You see the only course open to me. I might make a long speech and win fame by eloquence and elaborate exposition, but by so doing I should give Verres a strong chance of escape. § 33. Let me reserve that for another occasion: on this I will confine myself to bringing forward the evidence. My whole business will be with you, Hortensius. As you have determined to fight me with chicanery, I must find some stratagem to baffle you. § 34. Your plan is delay: mine to bring the trial to a speedy conclusion. Now after I had undertaken this case at the request of the Sicilians, I proposed to myself a greater object than the condemnation of this wretch; § 35. I determined to attack your intolerable tyranny and expose the intrigues of your creatures: a task worthy of my utmost efforts. § 36. As it is the villainy of a few wretches that discredits our whole order, I declare war to the knife against these. This shall be the finest show of my aedileship. I solemnly warn all who deal in bribery and corruption to hold their hands in this trial. § 37. Hortensius will be consul, I merely aedile: yet I will do a greater service to the people in my humble office than he with all his power. I will deal with the iniquities that have been perpetrated since the control of the courts passed to the senate. § 38. The nation shall hear from me of the purity of the equestrian courts; of the corruption of the senatorial courts: of the condemnation of Calidius and Septimius, § 39. of the proven reception of bribes by Herennius, Popillius, and Atilius, of the scandalous conduct of certain senators in the trial of Oppianicus. § 40. What can I say of the notorious tampering with the tablets of the jurors? All these facts I will expose with accuracy and with rigour What think you will be my feelings

if I find that aught of this kind has been attempted in regard to the present trial, when I can prove that Verres often said that he would divide the proceeds of his three years' government between himself, his advocates, and his judges? § 41. This is what suggested my saying that the provincials would send to beg the abolition of the court of repetundae, on the ground that while they might hope to sate the rapacity of a governor who had only to plunder for himself and his family, they could not endure the boundless extortion necessary to procure his acquittal by lavish bribery of his judges. § 42. To what a pass have the administration of the law and the character of our order come! Your hatred of Verres ought only to be intensified by your finding that he thinks you capable of such baseness as himself.

§ 43. Now is your opportunity for retrieving the lost name of your order. The courts of justice have long been plunged in infamy and contempt. It was this that prompted the people to demand so persistently the restoration of the power of the tribunes, which really meant the restoration of the law-courts. § 44. Catulus saw this when he said in his speech on Pompeius' bill that if the Senate had satisfied public opinion in the administration of justice, there would not have been such a demand for the tribunicial power. § 45. Again, when Pompeius at a public meeting expressed his intention of restoring the tribunicial power, he was greeted with murmurs of approval: but when he went on to brand the misgovernment of the provinces and the corruption of the courts as no longer endurable, the people signified their will by applause loud and long. § 46. Now people are on the watch: they have their eye on every one of you. They see that since Pompeius' bill passed, one senator of very slender means has been condemned: they do not blame this, but they do not find much to praise, for there was no temptation to act dishonestly. § 47. Your interests as well as those of the accused are at stake in this trial: if Verres be acquitted, none but the worst suspicion can settle on you. § 48. I will bring forward facts so notorious based on such irrefragable testimony that no defence will be possible. I will searchingly expose all the secret plots of Verres and his backers. § 49. There never has been, since the present constitution was

established, a bench of such dignity and high character as this: none other could be found superior in the whole Senate. § 50. So I pray heaven that no one here but Verres may be found a villain· and I declare that if any such shall be found, I will devote all my energies to procure the punishment of their crime. § 51. But you, Glabrio, can provide that no such untoward event shall ensue. Do you be the champion of integrity and honour, of the senate and the law-courts. Remember the strict and severe law passed by your father. § 52. Think of your father's sturdy and bitter opposition to unprincipled men: imitate your grandsire Scaevola's prudence, your father-in-law Scaurus' immovable constancy: and the people will perceive that Verres' wealth has only availed to enhance the suspicions of his guilt.

§ 53. I will not allow this case to pass into the hands of a new praetor and a new jury, nor suffer the Sicilians to be cheated of their rights by the consuls of next year. § 54. I will not allow a long interval of delay between my speech and the defence, nor suffer the decision to be put off till after the departure of the crowds that now throng the capital. § 55. I intend to call my witnesses at once: and I shall introduce a novelty by examining them in the course of my speech, on each count of the indictment; the other side will have as much opportunity for argument and cross-examination as I. This plan is necessarily adopted to baffle their intrigues. § 56. My charge in this first pleading is this: I affirm that Gaius Verres, besides many acts of licence and cruelty, has contrary to the laws carried off forty thousand sestertia from Sicily. This I will prove by oral and documentary evidence of every kind. I have finished.

nemo homo

M TULLI CICERONIS

IN C VERREM

ACTIO PRIMA

I. 1. QUOD erat optandum maxime, iudices, et quod 1
unum ad invidiam vestri ordinis infamiamque iudiciorum sedandam maxime pertinebat, id non humano consilio sed prope divinitus datum atque oblatum vobis summo rei publicae tempore videtur. inveteravit enim iam opinio perniciosa rei publicae nobisque periculosa, quae non modo Romae sed etiam apud exteras nationes omnium sermone percrebruit, his iudiciis quae nunc sunt pecuniosum hominem, quamvis sit nocens, neminem posse damnari. 2. nunc 2
in ipso discrimine ordinis iudiciorumque vestrorum cum sint parati qui contionibus et legibus hanc invidiam senatus

i. 1. *unum*] 'pre-eminently'. Cf *quae (civitas) tibi una in amore atque in deliciis fuit.* II in Verrem IV § 3.

vestri] The MSS vary here and below between *vestri* and *nostri vobis* and *nobis*. Cicero, having been quaestor and being now aedile-designate, could identify himself with the senatorial order.

divinitus datum] See below § 43.

summo...tempore] 'utmost crisis of the commonwealth'. So in Philipp V § 46, cf de off III § 93.

quamvis sit nocens] 'however guilty he may be'.

2. *in ipso discrimine*] this refers to the bill proposed by L Aurelius Cotta and supported by Pompeius by which (as finally revised) the Senate were to be deprived of the exclusive control of the *iudicia*, and they were to be composed one-third of Senators, another of *equites* and another of *tribuni aerarii*. See II in Verrem III §§ 223 sqq. V §§ 177, 178. It was promulgated and passed later on in this year (B C 70). In its original form the restoration of the courts to the equestrian order exclusively seems to have been proposed. See introduction and below § 49 *omnes homines ...alium omnino ordinem ad res iudicandas quaerendum arbitrabuntur.*

inflammare conentur, reus in iudicium adductus est C Verres, homo vita atque factis omnium iam opinione damnatus, pecuniae magnitudine sua spe et praedicatione absolutus. huic ego causae, iudices, cum summa voluntate et expectatione populi Romani actor accessi, non ut augerem invidiam ordinis, sed ut infamiae communi succurrerem. adduxi enim hominem in quo reconciliare existimationem iudiciorum amissam, redire in gratiam cum populo Romano, satis facere exteris nationibus possetis, depeculatorem aerarii, vexatorem Asiae atque Pamphȳliae, praedonem iuris
3 urbani, lābem atque perniciem provinciae Siciliae. 3. de quo si vos severe ac religiose iudicaveritis, auctoritas ea quae in vobis remanere debet haerebit: sin istius ingentes divitiae iudiciorum religionem veritatemque perfregerint, ego hoc tamen adsequar, ut iudicium potius rei publicae quam aut reus iudicibus aut accusator reo defuisse videatur.

II. equidem ut de me confitear, iudices, cum multae mihi a C Verre insidiae terra marique factae sint, quas partim mea diligentia devitarim partim amicorum studio offi-

spe et predicatione] 'as he hopes and proclaims'.

communi] in which both you and I are involved.

reconciliare] 'retrieve'.

depeculatorem] *peculatus furtum publicum*, Festus p. 212.

Asiae atque Pamphyliae] the province of Asia comprised Mysia Lydia and Caria, part of the kingdom of Pergamus bequeathed in BC 130 by Attalus to the Roman people. Pamphylia with Phrygia and Pisidia was included in the province of Cilicia (de divin I § 2). Cilicia proper was only partially occupied at this time.

praedōnem iuris urbani] Verres had been *praetor urbanus* in BC 74. *Praedonem* παρὰ προσδοκίαν for *praetorem*. See § 12.

3. *istius*] applied in a somewhat contemptuous way to the accused. See Madvig § 486.

veritatemque] apparently all the MSS read *veritatem*. Manutius conjectured *severitatem* which Zumpt adopts, remarking that *veritas iudiciorum* is a phrase of very doubtful authority, and that *si vos severe iudicaveritis* occurs just before. But see II in Verrem III § 162, where all the MSS again have *veritate iudiciorum* which Zumpt keeps, and IV § 113 *existimatio veritasque iudiciorum* (Zumpt and Halm): also pro Rosc Amerin § 84 *verissimus et sapientissimus iudex* (Halm). *Veritatem* = rectitude, uprightness, cf pro Quinct § 10.

ii. *cum*] 'although'. Madvig § 358 obs 3.

insidiae] cf II in Verrem II § 99.

cioque reppulerim, numquam tamen neque tantum periculum mihi adire visus sum neque tanto opere pertimui, ut nunc in ipso iudicio. 4. neque tantum me expectatio accusa- 4
tionis meae concursusque tantae multitudinis, quibus ego rebus vehementissime perturbor, commovet quantum istius insidiae nefariae, quas uno tempore mihi vobis M' Glăbrioni praetori sociis exteris nationibus ordini nomini denique senatorio facere conatur: qui ita dictitat, iis esse metuendum, qui quod ipsis solis satis esset surripuissent, se tantum eripuisse, ut id multis satis esse possit: nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecuniā possit. 5. quodsi quam audax est 5
ad conandum, tam esset obscurus in agendo, fortasse aliquā in re nos aliquando fefellisset. verum hoc adhuc percommode cadit, quod cum incredibili eius audaciā singularis

4. *perturbor*] for Cicero's nervousness cf Acad II § 64 *non minus commotus quam soleo in causis maioribus*.

vobis] this is wanting in most of the MSS, and Graevius would omit it as contained in *ordini nomini denique senatorio*: but it is found in the two Guelf MSS and is required in the ascending scale: 'against me, against you personally......against your order, nay against the name and fame of the Senate (of which you are members)'.

surripuissent] *surripere* 'to steal, filch secretly', *eripere* 'to plunder openly'. Zumpt quotes II in Verrem I § 10: *aut occulte surripi aut impune eripi*. *surripere* is often used in Plautus of the petty thefts of slaves.

se tantum] cf §§ 40, 41.

nihil tam munitum] referring to the well-known saying of Philip of Macedon: Plutarch Apophthegm Reg Philipp § 14. Cic ad Attic I 16 § 12 *quibus Philippus omnia castella expugnari posse dicebat in quae modo asellus onustus auro posset ascendere*. Hor od III 16, vv 13—15. Cf Shakespeare Passionate Pilgrim, ll 327, 328:

'The strongest castle, tower, and town,
The golden bullet beats it down'.

5. *quodsi quam audax ... tam esset*] for the order of the sentence see Madvig § 476 obs 2.

obscurus] Zumpt reads *astutus* on the authority of one MS (Guelf 1), all the rest of the MSS have *obscurus*. Madvig (opuscula) remarks on Zumpt's excessive estimate of Guelf 1, and observes that *astutus* would have been more likely to have been substituted by a copyist for *obscurus* than *vice versa*. *obscurus* and *astutus* are coupled in de off III § 57, *occultus* and *astutus* in ad fam III 10 § 8.

percommode cadit, quod] so in pro Caecina § 77 *percommode accidit quod*......

stultitia coniuncta est. nam ut apertus in corripiendis pecuniis fuit, sic in spe corrumpendi iudicii perspicua sua consilia conatusque omnibus fecit. semel ait se in vita pertimuisse, tum cum primum a me reus factus est, quod cum e provincia recens esset invidiaque et infamia non recenti sed vetere ac diuturna flagraret, tum ad iudicium
6 corrumpendum tempus alienum offenderet. 6. itaque cum ego diem inquirendi in Sicilia perexiguam postulavissem, invenit iste qui sibi in Achaia biduo breviorem diem postularet, non ut is idem conficeret diligentia et industria sua, quod ego meo labore et vigiliis consecutus sum. etenim ille Achaicus inquisitor ne Brundisium quidem pervenit: ego Siciliam totam quinquaginta diebus sic obii, ut omnium

corrumpendi iudicii] corrumpere here as below § 28 has not its usual meaning of bribery alone, but denotes any manner of bringing about a failure of justice. Zumpt gives 'irritum facere, eludere' as equivalents.

cum primum a me reus] i e at the preliminary process before the praetor (*nominis delatio*, *citatio*, *interrogatio*) when the prosecutor stated the charge (*aio te Siculos spoliasse*) the defendant denied it, and then after the charge had been formally drawn up and signed by the prosecutor and his supporters (*subscriptores*), the defendant's name (he then properly became *reus*) was registered by the praetor, and a day was fixed for the trial. Schol. See Ramsay's Roman Antiquities, art *iudicia publica*.

5. *flagraret*] cf ad Att IV 18 § 2 *consules flagrant infamia* and below § 43 *gravi diuturnaque iam flagramus infamia*.

alienum] for this construction after *alienum* cf Caesar B G IV 34 *ad lacessendum alienum esse tempus*. *Alienus* also takes the genitive, dative, ablative and ablative with *ab*.

offenderet] the subjunctive expresses that this was what Verres said.

6. *in Sicilia*] so the two Guelf MSS and Lag 29. The common reading is *in Siciliam* but *in Siciliam inquirere* can hardly mean 'to make enquiry in Sicily'. In the next line Zumpt reads *in Achaiam* against the authority of his favourite MSS Guelff 1, 2: which have *in Achaia*. Zumpt's reading makes an awkward change of construction, as *in Achaiam* must mean 'to go to Achaia' or something of the sort. With *in Achaia* we must understand *inquirendi* to be repeated.

diem perexiguam] 110 days (II in Verrem I § 30). *Dies* as usual in this sense is feminine.

invenit iste qui ...... postularet] who this was is unknown, and the names of the sham prosecutor and accused are immaterial. Cf II in Verrem I § 30 *interposuistis accusatorem* etc.

sic] 'so thoroughly'.

populorum privatorumque litteras iniuriasque cognoscerem: ut perspicuum cuivis esse posset hominem ab isto quaesitum esse non qui reum suum adduceret, sed qui meum tempus obsideret. III. 7. nunc homo audacissimus atque amen- 7
tissimus hoc cogitat. intellegit me ita paratum atque instructum in iudicium venire, ut non modo in auribus vestris sed in oculis omnium sua furta atque flagitia defixurus sim. videt senatores multos esse testes audaciae suae, videt multos equites Romanos, frequentes praeterea cives atque socios, quibus ipse insignes iniurias fecerit, videt etiam tot graves ab amicissimis civitatibus legationes cum publicis auctoritatibus convenisse. 8. quae cum ita sint, usque eo 8
de omnibus bonis male existimat, usque eo senatoria iudicia perdita profligataque esse arbitratur, ut hoc palam dictitet, non sine causa se cupidum pecuniae fuisse, quoniam in pecunia tantum praesidium experiatur esse: sese, id quod difficillimum fuerit, tempus ipsum emisse iudicii sui, quo

adduceret] 'bring to trial'. Cf § 2 *in iudicium adductus est C Verres* and pro Rosc Amerin § 28.

qui meum tempus obsideret] the sham prosecution would take precedence of Verres' case, and might easily be spun out so as to occupy the court of Repetundae all the remainder of the year. *obsideret:* id est, obsisteret atque impediret. Manutius.

iii. 7. *in oculis*] cf div in Caec § 27 *non modo in animis iudicum sed etiam in oculis conspectuque omnium exponere*.

defixurus] nail up like a placard: 'gibbet'. Cf Persius V 16 *ingenuo culpam defigere ludo*. Casaubon takes it thus: Conington tr 'to pin to the ground': the particular shade of meaning in either case can hardly be precisely fixed.

tot graves] Zumpt reads *tot tam graves*. Madvig (opuscula) observes that *tam* is only found in Guelf 2, and is harsh as well.

legationes] 'deputations'.

cum publicis auctoritatibus] cf II in Verrem III 146 *civitatum auctoritates ac litteras*. *auctoritates* 'resolutions, decrees' of the civic corporations: cf the common use of *senatus auctoritas* 'a resolution of the Senate'.

8. *omnibus bonis*] '*boni*' a term arrogated by the conservative party: here apparently = the senatorial order. Cf below § 20 *optimus quisque*. So ἐσθλοί and ἀγαθοί in Theognis mean the aristocratic, κακοί and δειλοί the democratic party.

perdita profligataque] these epithets are applied to Verres himself in II in Verrem III § 65 *tu omnium mortalium profligatissime et perditissime*. Cf pro Rosc Am § 38 *omnia ad perniciem profligata atque perdita*.

tempus ipsum emisse] i e by getting up the sham prosecution

cetera facilius emere postea posset: ut quoniam criminum
vim subterfugere nullo modo poterat, procellam temporis
9 devitaret. 9. quodsi non modo in causa, verum in aliquo
honesto praesidio aut in alicuius aut eloquentia aut gratia
spem aliquam collocasset, profecto non haec omnia colli-
geret atque aucuparetur, non usque eo despiceret contem-
neretque ordinem senatorium, ut arbitratu eius deligeretur
ex senatu qui reus fieret: qui, dum hic quae opus essent
compararet, causam interea ante eum diceret.

10 10. quibus ego rebus quid iste speret et quo animum
intendat facile perspicio: quamobrem vero se confidat ali-
quid proficere posse hoc praetore et hoc consilio intellegere
non possum. unum illud intellego, quod populus Romanus
in reiectione iudicum iudicavit, ea spe istum fuisse praedi-

mentioned above by which he hoped to secure the postponement of his own case to the next year when the popular feeling against him would have had time to cool, and when his friends Hortensius and Q Metellus would be consuls. M Metellus would preside as praetor in the *quaestio repetunaarum*, and several iudices whom he despaired of corrupting would be disabled by election to certain offices from sitting on the bench. See below §§ 26—32.

procellam temporis] a favourite metaphor. Cf Philippic VII § 7 *tempestas formidolosissimi temporis*. pro Sest § 101 *periculi tempestas*. The plural (*procellae tempestates*) is more common.

9. *non modo*] 'I do not say', cf below § 17.

eloquentia] a glance at Hortensius.

gratia] alluding to Verres' influential supporters, the Metelli Curio and others.

colligeret atque aucuparetur] 'he would not be raking together and hunting up'.

arbitratu eius] *arbitratu suo* might rather have been expected, as referring to the subject of the leading proposition, but cf II in Verrem IV § 84 where *apud eos* is used in a subordinate sentence = *apud se*. Madvig 490 c obs 3.

10. *hoc praetore*] vulgo *hoc Glabrione praetore*. The two Guelf MSS omit *Glabrione*, and the Scholiast evidently read *hoc praetore*, as he remarks that the praetor's name was Glabrio.

hoc consilio] cf below § 49 *constat ...... nullum hoc splendore atque dignitate fuisse*.

in reiectione iudicum] cf below § 16. After the requisite number of iudices had been chosen by lot (*sortitio*) each party was allowed to challenge (*reicere*) a certain number. The number of the jury and the number of challenges allowed varied in the different *quaestiones*. What the number was in the *quaestio de repetundis* is uncertain: it appears from II in Verrem II § 77 that accused who were not of the senatorial order could only challenge three jurors.

tum, ut omnem rationem salutis in pecunia constitueret:
hoc erepto praesidio, ut nullam sibi rem adiumento fore
arbitraretur. IV. etenim quod est ingenium tantum, quae
tanta facultas dicendi et copia, quae istius vitam tot vitiis
flagitiisque convictam, iam pridem omnium voluntate iudi-
cioque damnatam aliqua ex parte possit defendere? 11. cuius 11
ut adolescentiae maculas ignominiasque praeteream, quaes-
tura, primus gradus honoris, quidnam habet aliud in se nisi
Cn Carbonem spoliatum a quaestore suo pecunia publica,

The vacancies made were filled up by a supplementary lot-drawing (*subsortitio*).

in pecunia constitueret] i e by the character of the jurors whom Verres challenged, it was evident that his object was to get rid of those who were inaccessible to bribes.

ut nullam] for the repetition of *ut* cf divin in Caecil § 72, Madvig on de fin III § 43.

IV. *facultas dicendi et copia*] an allusion to Hortensius: cf Brutus § 303, where he is described as *facultate copiosus*.

convictam] Zumpt reads *couiunctam* (the MSS varying between *convictam couiunctam convinctam*) on the ground that *vita vitiis convicta* cannot mean 'a life convicted *of* crimes', but only '*by* crimes'; but the ablative is used of the charges on which a man is found guilty, II in Verrem I § 26 *crimiuibus quantis tu couvinceris*, and so by a slight transition it is sometimes used of the crime with which he is charged. Cf Suet Ner 31. *couvictam* also suits better with *damnatam* in the next clause. If we read *coniunctam* it must mean 'associated, connected with', (cf pro Rosc Amer § 39 *quae vita maxime disiuucta est a cupiditate et cum officio coniuncta*).

aliqua ex parte defendere] 'make any defence worth mentioning'.

Cf pro Cluentio § 67 *haec enim ille et aliqua ex parte habebat et maiore ex parte se habere simulabat*: below § 12 *aliqua ex parte recreari*.

11. *adolescentiae*] cf II in Verrem I § 32 *nihil a me de pueritiae suae flagitiis audiet nihil ex illa impura adolescentia sua* etc.

primus gradus honoris] to be qualified for holding the three great offices of state called, *par excelleuce*, *honores* (Hor od I 18 *certat tergeminis tollere honoribus*) (curule aedile, praetor, consul), though the term is also applied to any other public offices, a candidate must have previously held the quaestorship.

quid aliud...consulem] Diomedes Grammaticus quotes this passage thus *quidnam habet aliud in se nisi Cn Carbonem spoliatum a quaestore suo pecunia publica, nudatum, inquam, et proditum consulem?* which is certainly more forcible, but the existing MSS apparently give no variation from the text. Zumpt.

Cn Carbonem] This Gnaeus Carbo consul in BC 85, 84, 82 was a leader of the Marian party. Verres deserted him at Ariminum in BC 83 as he was on the way to his province of Gaul and went over to Sulla, carrying the military chest, of which as quaestor he had charge, with him. Cf II

nudatum et proditum consulem, desertum exercitum, relictam provinciam, sortis necessitudinem religionemque violatam? cuius legatio exitium fuit Asiae totius et Pamphyliae: quibus in provinciis multas domos plurimas urbes omnia fana depopulatus est, tum cum in Cn Dolabellam scelus suum illud pristinum renovavit et instauravit quaestorium: cum eum, cui legatus et pro quaestore fuisset, et in invidiam suis maleficiis adduxit et in ipsis periculis non solum deseruit sed etiam oppugnavit ac prodidit:
12 12. cuius praetura urbana aedium sacrarum fuit publicorumque operum depopulatio, simul in iure dicundo bonorum

in Verrem I § 34 *venit* (i e Verres) *expectatus in Galliam ad exercitum consularem cum pecunia: simul ac primum ei occasio visa est...aversa pecunia publica quaestor consulem exercitum sortem provinciamque deseruit.*

sortis] the quaestors obtained their provinces by lot as did ordinarily the consuls and praetors under whom they served (e g Sicily fell to Verres by lot, II in Verrem II § 17), but sometimes they agreed to divide the provinces by arrangement (*comparare inter se*) and occasionally the Senate assigned them (*dare provinciam extra sortem* Livy III 2, VIII 16). See Ramsay's Roman Antiquities p 185.

religionemque] for Cicero's real opinion of the lot see de div II § 85 *tota res est inventa fallaciis aut ad quaestum aut ad superstitionem aut ad errorem.*

legatio] 'lieutenancy'. The provincial governors were accompanied by several *legati* who acted at lieutenant-generals of the military forces in the province. They had no independent *potestas* but were strictly deputies of the governor. See II in Verrem IV § 9 *neminem qui cum potestate aut legatione in provinciam esset profectus.* Verres went as *legatus* to Cn Dolabella praetor of Cilicia in BC 80—79.

plurimas urbes] as Zumpt remarks, there is a twofold climax: *domos urbes fana* and *multas plurimas omnia:* 'cuius figurae causa facile aliquid veritati detraxisse Cicero dicatur'.

depopulatus est] vulgo *depeculatus est.* Zumpt has the reading in the text from the two Guelf and three other MSS: he remarks that it is more graphic and forcible than *depeculatus* and is also found below § 15. Cf § 12 *depopulatio.* It may be added that *depeculari domos* is scarcely a correct expression.

pro quaestore] he became proquaestor of Cilicia on the death of the regular quaestor C Malleolus. Cf II in Verrem I § 91.

in ipsis periculis] Dolabella on his return from Cilicia was prosecuted *repetundarum* by M Aemilius Scaurus and condemned. Verres, who had been his chief agent and accomplice, gave evidence against him. Cf II in Verrem I §§ 95—98.

12. *praetura urbana*] for Verres' conduct in this office see II in Verrem I § 104 seqq.

possessionumque contra omnium instituta addictio et condonatio. iam vero omnium vitiorum suorum plurima et maxima constituit monumenta et indicia in provincia Sicilia, quam iste per triennium ita vexavit ac perdidit, ut ea restitui in antiquum statum nullo modo possit, vix autem per multos annos innocentesque praetores aliqua ex parte recreari aliquando posse videatur. 13. hoc praetore Siculi 13
neque suas leges neque nostra senatus consulta neque com-

contra omnium instituta] contrary to the rules and principles of procedure observed by any of his predecessors: contained in the *edicta perpetua* which the praetors issued on their entry into office. Cf II in Verrem I § 116 *ius consuetudinem aequitatem edicta omnium reliquit.* The rules which praetors adopted from their predecessors were called *edictum tralaticium*, ibid § 114. It appears (ibid § 119) that Verres even decided in some cases against his own *edictum perpetuum.* To prevent this abuse a law (lex Cornelia) was passed BC 67 binding the praetors to administer justice in accordance with the terms of their own *edicta perpetua.* (Asconius' argument of the speech pro C Cornelio.) The principles of procedure and interpretation contained in the *edicta* constituted what was called *ius praetorium* and corresponded in effect to our Equity, correcting, supplementing, and elucidating the common law (*ius civile*). See Maine's Ancient Law pp 55—72.

bonorum possessionumque] *bona* 'goods, chattels', perhaps here = personal property: *possessiones*, lands and houses held not in ownership (*dominium*), which could not be conferred by the praetor, but by occupancy (*usus*).

addictio et condonatio] *addictio* is the proper legal term for the praetor's award: *condonatio* is used invidiously, as in II in Verrem I § 105 *dicit* (sc Verres) *se posse ei condonare edicto hereditatem*, to denote corrupt and illegal assignment.

vexavit ac perdidit] Zumpt on the authority of Guelf I only reads *vastavit vexavit ac perdidit.* Madvig (Opuscula) rejects Zumpt's reading on two grounds: first, that *vastare* denotes the result of *vexare* and *perdere*, and so if it be read at all should follow and not precede them: secondly, that in rhetorical climax the copula is not, in Cicero at any rate, omitted between the first and second verbs and inserted between the second and third, when the verbs are coordinate: apparent exceptions he considers errors of MSS and corrects accordingly.

ut ea restitui......possit] for the present subjunctive after a past tense, denoting a continuing effect, see Madvig §§ 355, 383.

aliqua ex parte] 'to any considerable extent', cf above § 10.

13. *suas leges*] Sicily had special privileges above the rest of the provinces, as little of it had been conquered in war: the laws which prevailed previously to its becoming a Roman province remained in force till the praetorship of Verres. See II in Verrem III § 12 *Siciliae civitates sic in amicitiam fidemque recepimus, ut*

munia iura tenuerunt: tantum quisque habet in Sicilia, quantum hominis avarissimi et libidinosissimi aut imprudentiam subterfugit aut satietati superfuit. V. nulla res per triennium nisi ad nutum istius iudicata est, nulla res tam patria cuiusquam atque avita fuit quae non ab eo imperio istius abiudicaretur. innumerabiles pecuniae ex aratorum bonis novo nefarioque instituto coactae, socii fidelissimi in hostium numero existimati, cives Romani servilem in modum cruciati et necati, homines nocentissimi propter pecunias iudicio liberati, honestissimi atque integerrimi absentes rei facti indicta causa damnati et eiecti, portūs munitissimi maximae tutissimaeque urbes piratis praedonibusque patefactae, nautae militesque Siculorum socii nostri atque amici fame necati, classes optimae atque opportunissimae cum magna ignominia populi Romani amissae et perditae.
14 14. idem iste praetor monumenta antiquissima partim regum locupletissimorum, quae illi ornamento urbibus esse voluerunt, partim etiam nostrorum imperatorum, quae victores civitatibus Siculis aut dederunt aut reddiderunt, spoliavit nudavitque omnia. neque hoc solum in statuis

eodem iure essent quo fuissent: eadem condicione populo Romano parerent qua suis paruissent.

communia iura] the rights which the Sicilians enjoy in common with all mankind, *iure gentium*.

v. *patria*] = *paterna*. Cf de imp Cn Pompei § 21 *regno patrio atque avito*.

innumerabiles pecuniae] see II in Verrem III for the exactions of Verres and his *decumani* (tithe-farmers) from the cultivators.

cives Romani] see II in Verrem V §§ 139—171 especially the case of P Gavius (§§ 158—163).

absentes rei facti] e g Heraclius of Syracuse, II in Verrem II § 35 seqq., and Sthenius of Thermae, ibid § 83 seqq.

classes] fleets kept up at the expense of the Sicilian cities for the suppression of piracy. See II in Verrem V § 86 seqq.

opportunissimae] 'most serviceable'.

14. *regum locupletissimorum*] e g Agathocles and Hiero.

ornamento urbibus esse] on the predicative dative see Roby's Latin Grammar, preface to vol. II.

dederunt] of the public buildings and statues spared by M Marcellus after the conquest of Syracuse, II in Verrem IV § 130 foll.

reddiderunt] of the recovery by the younger Africanus of Sicilian statues carried off to Carthage, II in Verrem IV §§ 74, 80 etc.

spoliavit nudavitque] Zumpt

ornamentisque publicis fecit, sed etiam delubra omnia sanctissimis religionibus consecrata depopulatus est, deum denique nullum Siculis qui ei paullo magis affabrē atque antiquo artificio factus videretur reliquit. in stupris vero et flagitiis nefarias eius libidines commemorare pudore deterreor: simul illorum calamitatem commemorando augere nolo, quibus liberos coniugesque suas integras ab istius petulantia conservare non licitum est. 15. at enim haec ita com- 15
missa sunt ab isto ut non cognita sint ab omnibus. hominem esse arbitror neminem qui nomen istius audierit quin facta quoque eius nefaria commemorare possit, ut mihi magis timendum sit ne multa crimina praetermittere quam ne qua in istum fingere existimer. neque enim mihi videtur haec multitudo, quae ad audiendum convenit, cognoscere ex me causam voluisse, sed ea quae scit mecum recognoscere.

VI. quae cum ita sint, iste homo amens ac perditus alia mecum ratione pugnat: non id agit ut alicuius eloquentiam mihi opponat, non gratia non auctoritate cuiusquam non potentia nititur. simulat his se rebus confidere, sed

observes that these words are more appropriate of the buildings than of the statues contained in them.

deum denique nullum] cf div in Caecil § 2 *sese iam ne deos quidem ...habere.*

commemorare......deterreor] for the construction cf below § 24 *agere...deterrebar*: on the analogy of *iubeor vetor prohibeor impedior* Madvig § 390: the ordinary construction is *deterreor ab agendo, ne (quin, quo minus) agam.*

15. *at enim*] = ἀλλὰ γάρ, ἀλλὰ νὴ Δία, introducing a possible objection: 'but some one may say'. Cf II in Verrem II § 26 *at enim ad Verrem pecunia ista non pervenit. Quae est ista defensio?* etc. So too are used *at, at vero.* Roby, Latin Grammar II § 1623.

haec multitudo] cf below § 54 *haec frequentia totius Italiae.*

cognoscere ...... recognoscere] cf Tusc disp I § 57 where *discere* and *reminiscendo recognoscere* are contrasted in the same way.

vi. *gratia...auctoritate...potentia*] *gratia* influence, *auctoritate* personal weight, character, *potentia*, power derived from wealth, rank, etc.: to be distinguished from *potestas*, legal, official authority. Cf pro Mur § 59, pro Caecina § 73 *neque inflecti gratia neque perfringi potentia* on which Hotoman (quoted by Jordan) observes 'gratia cum superioribus potentia cum inferioribus rationem habet'.

video quid agat—neque enim agit occultissime— : proponit inania mihi nobilitatis, hoc est, hominum arrogantium nomina, qui non tam me impediunt quod nobiles sunt, quam adiuvant quod noti sunt. simulat se eorum praesidio confidere, cum interea aliud quiddam iam diu machinetur.

16 16. quam spem nunc habeat in manibus et quid moliatur, breviter iam, iudices, vobis exponam : sed prius ut ab initio res ab eo constituta sit, quaeso, cognoscite. ut primum e provincia rediit, redemptio est huius iudicii facta grandi pecunia. mansit in condicione atque pacto usque ad eum finem, dum iudices reiecti sunt. postea quam reiectio iudicum facta est, quod et in sortitione istius spem fortuna populi Romani et in reiiciendis iudicibus mea diligentia istorum impudentiam vicerat, renuntiata est tota condicio.

17 17. praeclare se res habebat. libelli nominum vestrorum sc. iudices

hominum arrogantium] such as the Metelli Scipio and Curio, the leaders of the extreme aristocratic party.

nobiles......noti] the *nobiles* were those who had the *ius imaginum*, i e any of whose ancestors had held curule office. Cicero as being a *novus homo* was regarded by them with bitter dislike. Cf II in Verrem V §§ 180—182. *nobiles* and *noti* ('notorious') are contrasted also in pro Coel. § 31, pro Flacco § 52.

cum] cf above § 3.

16. *redemptio est facta*] 'a contract was undertaken', i e for bribing the jury. *redemptio* and *conductio* (used a few lines below) are synonymous, and are always used of the party undertaking the contract (e.g. de divin II § 47 *redemptor ille qui columnam...... conduxerat faciendam*): the correlative term is *locatio*.

condicione] *dicio* and *condicio* always in the best MSS; derived from *dico* and *condico*: the spelling *ditio conditio* arises from the false derivation from *do* or *condo*.

16. *usque ad eum finem, dum*] 'up to that point when'. On the use of *dum* see Madvig § 360. Cf de nat deor II § 129. So *quem ad finem?* 'till when?' II in Verrem V § 75 *piratam vivum tenuisti. quem ad finem? dum cum imperio fuisti.*

iudices reiecti sunt] see on § 10.

fortuna populi Romani] one *decuria* of the Senate was chosen by lot for a trial *de repetundis*. Cicero means that the *decuria* on which the lot fell in this was composed chiefly of men of honour and probity.

mea diligentia] my painstaking in weeding out their partisans was more effective than their shameless attempt to get rid of those whom they despaired of corrupting.

renuntiata est] the *redemptores*, finding that after the *reiectio* and *subsortitio* a jury was empanelled whom they could not hope to bribe, broke off their contract.

17. *libelli*] 'lists, hand-bills'

consiliique huius in manibus erant omnium, nulla nota, nullus color, nullae sordes videbantur his sententiis adlini posse, cum iste repente ex alacri atque laeto sic erat humilis atque demissus, ut non modo populo Romano, sed etiam sibi ipse condemnatus videretur.

ecce autem repente, his diebus paucis, comitiis consularibus factis, eadem illa vetera consilia pecunia maiore repetuntur eaedemque vestrae famae fortunisque omnium insidiae per eosdem homines comparantur. quae res primo, iudices, pertenui nobis argumento indicioque patefacta est: post aperto suspitionis introitu ad omnia intima istorum consilia sine ullo errore pervenimus. VII. 18. nam 18 ut Hortensius consul designatus domum reducebatur e

copies of the official list. The lex Acilia ordered that the praetor should put up a list of the iudices for each trial in the *aerarium* and should permit any one who wished to make a copy of it (lex Acilia in Wordsworth's fragments and specimens of early Latin p 181). This rule seems to have continued under the later laws *de repetundis*. Wordsworth quotes Philipp § 15 *hos ille demens iudices legisset, horum nomina ad aerarium detulisset.*

nominum vestrorum consiliique huius] = nominum vestrorum qui huius consilii estis.

nulla nota, nullus color] see on div in Caecil § 24 *ceratam unicuique dari cera legitima non illa infami de nefaria* and below § 40 *ut discoloribus signis iuratorum nominum sententiae notarentur.*

his sententiis] = horum sententiis 'the votes of such a jury as this'.

adlini] cf Hor A P 446 *incomptis adlinet atrum | transverso calamo signum.*

cum] 'while'.

ex alacri atque laeto] 'from being brisk and cheerful': *ex* and *de* are both used of transition from one state of mind or circumstances to another: Hor od III 30 11 *ex humili potens*, Iuv VII 197 *de rhetore consul.* Cf pro Mur § 49 *Catilinam interea alacrem atque laetum.*

non modo] *non modo* = 'not exactly' 'I do not say' (non dico), 'appeared to be condemned I do not say to the Roman people' (for that was a foregone conclusion § 4) but even to himself'.

suspitionis introitu] genetivus possessivus, cf § 54 *oblivionem diuturnitatis*: 'the door to which suspicion pointed once opened'. *suspitio* from *suspicio* (not from *suspicor*) thus ; *suspicitio, suspictio, suspītio.*

vii. 18. *domum reducebatur*] *reducere* is the regular word for escorting a candidate home after the election : *e campo* or *e foro*. Cf ad Q fratrem II 9 *Crassum consulem ex senatu domum reduxi.* Cat mai § 63 *haec enim ipsa sunt honorabilia salutari......deduci reduci* etc. On the other hand, *deducere in campum* or *in forum* is used of escorting a candidate *to* an election, pro Mur § 44 *et in forum et in campum deduci.* Cf ad fam X 12 *de domo deducere.*

campo cum maxima frequentia ac multitudine, fit obviam casu ei multitudini C Curio, quem ego hominem honoris potius quam contumeliae causa nominatum volo: etenim ea dicam, quae ille si commemorari noluisset, non tanto in conventu tam aperte palamque dixisset, quae tamen a me pedetemptim cauteque dicentur, ut et amicitiae nostrae et
19 dignitatis illius habita ratio esse intellegatur. 19. videt ad ipsum fornicem Fabianum in turba Verrem: appellat hominem et ei voce maxima victoriam gratulatur: ipsi Hortensio, qui consul erat factus, propinquis necessariisque eius, qui tum aderant, verbum nullum facit: cum hoc consistit, hunc amplexatur, hunc iubet sine cura esse. renuntio, inquit, tibi te hodiernis comitiis esse absolutum. quod

fit obviam casu] denoting the undesigned and casual character of the meeting. Perhaps ironical. *obviam ire, venire* are generally used of going with the purpose of meeting.

C Curio] on his character see Brutus §§ 213—220. He had been consul in BC 76 and then proconsul of Macedonia: he died in BC 53. Zumpt. He was the father of the brilliant renegade '*audax venali Curio lingua*' (Lucan).

honoris causa] 'with all respect', cf pro Rosc Amer § 6 *L Sulla quem honoris causa nomino:* prof Mayor on Philipp II § 30.

nominatum volo] 'I would have it understood that I name'. Cf div in Caecilium § 21 *defensos esse malunt*, Madvig 396 obs 2.

etenim] = καὶ γάρ.

aperte palamque] 'in such plain terms and so publicly'. Cf pro Mil § 25 *palam agere coepit et aperte dicere occidendum Milonem.*

amicitiae nostrae] Curio remained on good terms with Cicero all his life, cf ad Att I 16 § 13, Philipp II § 12, ad fam II 2.

dignitatis illius] as a *consularis* who had obtained a well-earned triumph (in Pisonem § 44) for successes in Thrace.

19. *ad ipsum fornicem Fabianum*] 'just by the Fabian arch', an arch in the Via sacra near the forum, built by Q Fabius Maximus Allobrogicus (cos BC 121). Cf a joke of Crassus in de orat II § 267 (Quintilian VI 3 § 67), pro Planc § 17.

victoriam gratulatur] Zumpt omits *victoriam* on the authority of the two Guelf MSS: all the others have it. Cf *mihi gratulatus es illius dici celebritatem* ad Att V 20 § 1. *vinco* of success in litigation pro Rosc Com § 53 *vicisset iudicio*, Hor sat I 2 134 *Fabio vel iudice vincam:* below § 41 *nocentissimi victoriae.*

propinquis necessariisque] 'kinsmen and friends'.

cum hoc consistit] *cum aliquo consistere* = to stand and talk with, Plaut Cist IV 2 31, Curc IV 2 16.

renuntio] the word has a peculiar significance here as it is the regular term for 'declaring' the result of an election. Cf II in Verrem V § 38 *cum esses praetor renuntiatus.*

cum tam multi homines honestissimi audissent, statim ad me defertur: immo vero, ut quisque me viderat, narrabat. aliis illud indignum, aliis ridiculum videbatur: ridiculum iis, qui istius causam in testium fide, in criminum ratione, in iudicum potestate, non in comitiis consularibus positam arbitrabantur: indignum iis, qui altius perspiciebant et hanc gratulationem ad iudicium corrumpendum spectare videbant. 20. etenim sic ratiocinabantur, sic honestissimi ho- 20
mines inter se et mecum loquebantur: aperte iam ac perspicue nulla esse iudicia: qui reus pridie iam ipse se condemnatum putabat, is, postea quam defensor eius consul est factus, absolvitur. quid igitur? quod tota Sicilia, quod omnes Siculi, omnes negotiatores, omnes publicae privataeque litterae Romae sunt, nihilne id valebit? nihil invito consule designato. quid, iudices non crimina non testes non existimationem populi Romani sequentur? non: omnia in unius potestate ac moderatione vertentur. VIII. vere loquar, iudices. vehementer me haec res commovebat. optimus enim quisque ita loquebatur: iste quidem

immo vero] 'nay rather I should say the moment a man had set eyes on me he proceeded to tell me'. On *ut quisque* see Madvig § 495: for the pluperfect followed by the imperfect cf ad Att V 10 *ut Athenas veneram exspectabam.*

indignum] 'scandalous'.

in criminum ratione] 'the conduct of the indictment in its various counts': for *ratio* in an active sense = conduct, management, cf de fin V § 11 where *vitae privatae ratio* is the antithesis to *rerum publicarum rectio.* *Criminum* 'counts', see pro Mur § 67 *congredere mecum criminibus ipsis.*

spectare videbant] for the ending in hexameter rhythm cf II in Verrem II § 24 *quaesisse videtur*, pro Rosc Amer § 30 *abesse videtur.* Quintilian IX 4 §§ 72—78 condemns it.

20. *omnes Siculi*] the words *omnes Siculi, omnes negotiatores* are epexegetic of *tota Sicilia.* The *negotiatores* were Roman citizens settled in the provinces, who lent money at interest and bought up corn on speculation, cf II in Verrem II § 16 *cives Romani qui in Sicilia negotiantur:* they are distinguished from *mercatores* in ibid § 188 and pro Planc § 64 *negotiatoribus comis mercatoribus iustus.*

existimationem populi Romani] 'public opinion', cf §§ 10, 15, 17: one of the many illustrations of the difference of the spirit of a Roman trial from that of an English one.

moderatione] the way in which the *potestas* is exercised.

vertentur] 'shall turn, hinge', Livy XXXVII 7.

viii. *iste quidem...sed nos*] = οὗτος

Mil. 24.66. Oppugnata domus C. Caesaris ... per multas noctis horas nuntiabatur

tibi eripietur, sed nos non tenebimus iudicia diu-
tius. Etenim quis poterit Verre absoluto de trans-
21 ferendis iudiciis recusare? 21. erat omnibus mo-
lestum: neque eos tam istius hominis perditi subita laetitia
quam hominis amplissimi nova gratulatio commovebat.
cupiebam dissimulare me id moleste ferre,—cupiebam animi
dolorem vultu tegere et taciturnitate celare.

ecce autem illis ipsis diebus, cum praetores designati
sortirentur et M Metello obtigisset, ut is de pecuniis repe-
tundis quaereret, nuntiatur mihi tantam isti gratulationem
esse factam, ut is domum quoque pueros mitteret qui uxori
22 suae nuntiarent. 22. sane ne haec mihi quidem res place-
bat: neque tanto opere quid in hac sorte metuendum mihi
esset intellegebam. unum illud ex hominibus certis, ex

μέν—ἡμεῖς δέ: *quidem* like *μὲν* emphasizes the word which precedes it and is nearly always followed by an adversative conjunction: '*he* will be snatched from your hands, but *we* shall not keep the control of the courts any longer for that'.

nos] i e *nos senatores*, which defines the meaning of *optimus quisque* just above.

recusare] 'to object to the transference of the iudicia.' For the construction cf II in Verrem I § 6.

21. *nova*] 'strange,' 'extraordinary'.

vultu tegere] to hide by my (cheerful) looks: opposite to *prodere vultu* Ov metam II 447.

sortirentur] for the conjunctive see Madvig § 358; the praetors, excepting the *praetor urbanus* and *praetor peregrinus* who were occupied with civil cases, drew lots for the presidency of the various *quaestiones perpetuae* (seven in number). The number of praetors before the legislation of Sulla was six: by him it was increased to eight to meet the increased requirements of the criminal courts.

quaereret] a praetor when presiding in a *quaestio perpetua* was termed *quaesitor*, cf below § 29.

ut is ... quaereret ...ut is ... mitteret] for the insertion of *is* cf de nat deor I § 71 *hoc intellegerem quale esset si id in ceris fingeretur aut fictilibus figuris.*

pueros mitteret] Zumpt following Manutius omits *pueros* as a gloss. Madvig (opuscula) defends the MSS reading, remarking that a copyist would have inserted *homines* or *servos* as most obvious.

22. *sane*] 'assuredly'.

neque tanto opere...intellegebam] (I was certainly annoyed at this, i e the result of the *sortitio*) and yet I could not make out with equal certainty (tanto opere) what I had to fear in respect of it'. *neque* = *neque tamen* (cf the use of *καὶ* for *καί τοι*).

certis] 'certain persons I could mention', more definite than *quibusdam*: in Quintilian we find sometimes *certus quidam*, *certus aliquis*. Cf Brutus § 64 *habet certos sui studiosos.*

quibus omnia comperi, reperiebam: fiscos complures cum
pecunia Siciliensi a quodam senatore ad equitem Romanum
esse translatos: ex his quasi decem fiscos ad senatorem il-
lum relictos esse comitiorum meorum nomine: divisores
omnium tribuum noctu ad istum vocatos. 23. ex quibus 23
quidam, qui se omnia mea causa debere arbitrabatur, eadem
illa nocte ad me venit: demonstrat qua iste oratione usus
esset: commemorasse istum quam liberaliter eos tractasset
etiam antea, cum ipse praeturam petisset, et proximis con-

omnia comperi] this phrase, from Cicero's frequent use of it in the Catilinarian speeches of his discovery of the conspiracy, afterwards became a joke against him. Cf ad Att I 14 § 5, ad fam V 5, Acad II § 63. *cum* in composition here denotes completeness and intensifies the force of the simple verb (cf *concido convello*) while *reperio* = simply 'to find out' either by chance or by search.

fiscos cum pecunia] cf Phaedr II 7 2 *mulus ferebat fiscos cum pecunia.* *fiscos* = wicker baskets or panniers for carrying money: in the lex Acilia § 67 (Wordsworth p 186) we find *pequnia in fiscis opsignetur:* for the later use see prof Mayor's note on Iuv IV 54 *res fisci est ubicunque natat.*

quasi decem] 'ten, more or less'. Cf Ter Heaut I 1 93 *quasi talenta ad quindecim coegi.* The usual word in this sense is *circa.*

22. *ex his—relictos*] how can ten of the *fisci* which were handed over to the knight by the senator be said to be left in the possession of the senator? If the MSS reading be kept we must understand *ex his* as carelessly used to mean *all* the fisci originally in the possession of the senator, a large number of which (*complures*) he handed over to the knight, retaining ten in his possession. Verres apparently deposited a large amount of his Sicilian plunder with the senator: some of this was sent to the knight to be employed in influencing the consular and praetorian *comitia* (see next section), about ten were retained by the senator for the aedilician *comitia.* Zumpt. For *ad* = *apud* cf Plaut Capt prol 49 *ut in servitute hic ad suum maneat patrem.*

meorum] the election for the aedileship, which followed these for the consulship and praetorship (see next section).

divisores omnium tribuum] the Scholiast suggests a question whether these *divisores* were State officials, which should doubtless be answered in the negative. The passage in Plaut Aul 107, 108 *magister curiae dividere argenti numos dixit in viros* treats of Athenian customs. *mag cur* = *τριττυαρχής* (Wagner ad loc). *divisores* tr 'bribery-agents', cf pro Planc § 48 *quo divisore corrupta sit tribus.*

23. *mea causa debere*] all the MSS apparently read *facere* before *debere:* but all the editors since Manutius omit it, because the Scholiast notes that it is to be *understood* with *debere.* For *mea causa* 'in my interests' see on div in Caecilium § 21 *sua causa velle.*

praeturam petisset] cf II in Verrem § 101.

sularibus praetoriisque comitiis: deinde continuo esse pollicitum quantam vellent pecuniam, si me aedilitate deiecissent. hic alios negasse audere, alios respondisse non putare id perfici posse: inventum tandem esse fortem amicum ex eadem familia Q Verrem Romilia, ex optima divisorum disciplina, patris istius discipulum atque amicum, qui, sestertium quingentis milibus depositis, id se perfecturum polliceretur, et fuisse tamen non nullos qui se una facturos esse dicerent. quae cum ita essent, sane benevolo animo me ut magno opere caverem praemonebat.

24 IX. 24. sollicitabar rebus maximis uno atque eo perexiguo tempore. urgebant comitia: et in his ipsis oppugnabar grandi pecunia. instabat iudicium: ei quoque negotio fisci Sicilienses minabantur. agere quae ad iudicium pertinebant libere comitiorum metu deterrebar: petitioni toto animo servire propter iudicium non licebat: minari denique divisoribus ratio non erat, propterea quod eos intellegere videbam me hoc iudicio districtum atque obligatum

aedilitate deiecissent] for *deiicere* 'to procure the rejection of a candidate' cf below § 25 *de honore deiicerem*, Livy III 35 *deiectis honore*, pro Mur § 76 *praetura deiectus est*.

Romilia] sc *tribu*, cf Pers V 73 *quisque Velina Publius emeruit*. The spelling varies between Romulia Romilia and Romulea (ablative of origin Roby II § 1264).

disciplina] 'school', cf below § 30 *ex acerrima illa equestri familia et disciplina*.

patris istius discipulum] cf II in Verrem I § 32 *ex eo quem sui simillimum produxit*.

HS quingentis milibus] about £4000, taking the *sestertius* at nearly 2*d*.

et fuisse tamen] 'and there were some after all' notwithstanding the reluctance of the majority.

praemonebat] 'proceeded to warn me'.

IX. 24. *uno atque eo*] on *atque is, et is, is quidem* see Madvig § 414 c.

urgebant—instabat] *urgere*=actual pressure of a present, *instare*=imminent approach of a prospective, burden.

agere—deterrebar] cf above on § 14 *commemorare deterreor*.

comitiorum metu] 'anxiety about the result of the election', on *metus* see on div in Caecilium § 24.

toto animo servire] 'to devote myself heart and soul to'.

minari—ratio non erat] 'there was no policy in threatening', for the infinitive see Madvig § 417 obs 2 and cf pro Caecina § 15 *nullam esse rationem amittere eiusmodi occasionem* and Acad II §§ 17, 74.

districtum atque obligatum] *districtum*=so engaged with one thing as to withdraw attention from

futurum. 25. atque hoc ipso tempore Siculis denuntiatum 25
esse audio, primum ab Hortensio, domum ad illum ut venirent: Siculos in eo sane liberos fuisse, qui quamobrem arcesserentur cum intellegerent, non venisse. interea comitia nostra, quorum iste se, ut ceterorum hoc anno comitiorum, dominum esse arbitrabatur, haberi coepta sunt. cursare iste homo potens cum filio blando et gratioso circum tribus: paternos amicos, hoc est, divisores appellare omnes et convenire. quod cum esset intellectum et animadversum, fecit animo libentissimo populus Romanus, ut cuius divitiae me de fide deducere non potuissent, ne eiusdem pecunia de honore deiicerer. 26. postea quam illa peti- 26
tionis magna cura liberatus sum, animo coepi multo magis vacuo ac soluto nihil aliud nisi de iudicio agere et cogitare. reperio, iudices, haec ab istis consilia inita et constituta,

(*dis*) all others, pre-occupied: for its peculiar emphasis cf Seneca vit beat c 16 *alii alligati sunt* (*vinculo mortali*) *alii astricti alii districti quoque*.

25. *denuntiatum*] properly used of an official message or summons: perhaps used here invidiously to imply that Hortensius, though as yet only consul-designate and without official power, was usurping the authority of an actual consul. Cf below § 27 *se consulem esse* (alleged to have been said by the other consul-designate Metellus).

in eo] 'in regard to *him*'; they obeyed the summons of his colleague § 27.

liberos fuisse] 'shewed their independence'.

qui...non venisse] the Scholiast, taking *qui* as the subject of *venisse*, remarks that the sentence is ungrammatical and proposes *venissent:* but, as Zumpt observes (following Garatonius), *qui* is the subject of *intellegerent* and we must understand the antecedent (with an explanatory particle) sc *eos enim* as the subject of *venisse*.

25. *dominum*] on the odious meaning connoted by *dominus dominatio* etc see below on § 35.

haberi coepta sunt] note that *coepi desii* are used with both the active and passive infinitives: *coeptus sum desitus sum* with the passive only.

blando et gratioso] 'insinuating and influential'.

convenire] 'to call upon'.

fecit...ut] on *facere ut* see Madvig § 481 b.

libentissimo] Cicero was returned 'at the top of the poll', cf in Pisonem § 2.

de fide deducere] 'to seduce me from my honour', for *deducere* in this sense cf ad Q fratrem I 1 § 8 *sic ut te...nulla condicio pecuniae ab summa integritate continentiaque deduxerit* (in a good sense de orat II § 340 *a tristitia deduci*).

26. *inita et constituta*] 'set on foot and organised'.

ut, quacumque opus esset ratione, res ita duceretur, ut apud
M Metellum praetorem causa diceretur. in eo esse haec
commoda: primum M Metellum amicissimum, deinde
Hortensium consulem non solum, sed etiam Q Metellum,
qui quam isti sit amicus attendite. dedit enim praerogati-
vam suae voluntatis eius modi, ut isti pro praerogativis iam
27 reddidisse videatur. 27. an me taciturum tantis de rebus
existimavistis et me in tanto rei publicae existimationisque
meae periculo cuiquam consulturum potius quam officio et
dignitati meae? arcessit alter consul designatus Siculos:
veniunt non nulli, propterea quod L Metellus esset praetor
in Sicilia. cum his ita loquitur: se consulem esse: fratrem
suum alterum Siciliam provinciam obtinere, alterum esse
quaesiturum de pecuniis repetundis: Verri ne noceri possit
28 multis rationibus esse provisum. X. 28. quid est, quaeso,
Metelle, iudicium corrumpere, si hoc non est? testes, prae-
sertim Siculos, timidos homines et adflictos, non solum

ratione] cf below § 34 *tua ratio est*...

praerogativam suae voluntatis] 'an earnest of his good will'. Cf Cato apud Cic ad fam XV n 5 § 2 *triumphi praerogativam...supplicationem.* The vote of the century which polled first was taken as an earnest of the votes to follow. Cf pro Mur § 38.

pro praerogativis] sc *centuriis* according to Zumpt. Others understand 'tribes' and refer it to the two elections of M Metellus to the praetorship and Q Metellus to the consulship. Cf pro Planc § 49 *centuria praerogativa* and prof Mayor on Philipp II § 82. Cicero here plays on the two meanings of *praerogativa:* Metellus gave Verres so strong an earnest of his good will that it might be thought that it was intended as a *return* for Verres' exertions in securing for him the votes of the *centuriae praerogativae.*

27. *alter*] Q Metellus: this is the *praerogativa* which he gave Verres.

propterea quod...esset] the subjunctive expresses that this was the reason alleged by the Sicilians for complying with the summons: when *quod propterea quod* express the fact according to the writer's opinion they are followed by the indicative. Madvig § 357.

L Metellus] cf II in Verrem II § 10, III § 122. He succeeded Verres in Sicily. The MSS here by an evident blunder have *Q Metellus.* Zumpt.

se consulem esse] he was in fact only consul-designate.

obtinere] the regular word for tenure of a provincial government, cf ad Att V 21 § 5 *me obtinente provinciam.*

esse quaesiturum] see above § 21.

X. 28. *corrumpere*] 'to bring to nought' as above § 5.

auctoritate] 'personal weight'.

auctoritate deterrere, sed etiam consulari metu et duorum
praetorum potestate? quid faceres pro innocente homine
et propinquo, cum propter hominem perditissimum atque
alienissimum de officio ac dignitate decedis et committis,
ut, quod ille dictitat, alicui, qui te ignoret, verum esse
videatur? 29. nam hoc Verrem dicere aiebant, te non 29
fato, ut ceteros ex vestra familia, sed opera sua consulem
factum. duo igitur consules et quaesitor erunt ex illius
voluntate. non solum effugiemus, inquit, hominem in
quaerendo nimium diligentem nimium servientem populi
existimationi M' Glabrionem: accedet etiam nobis illud.
iudex est M Caesonius, collega nostri accusatoris, homo in
rebus iudicandis spectatus et cognitus: quem minime expe-
diat esse in eo consilio, quod conemur aliqua ratione cor-
rumpere: propterea quod iam antea, cum iudex in Iuniano
consilio fuisset, turpissimum illud facinus non solum graviter
tulit, sed etiam in medium protulit. hunc iudicem ex

consulari metu]=consulis metu: 'the fear which your power as consul inspires'. Cf Velleius II 34 § 3 *metu consularis imperi.*

committis, ut] 'act in such a way that': always in a bad sense, cf below § 53 *mihi certum est non committere ut in hac causa praetor nobis consiliumque mutetur.*

ignoret] vulgo *ignorat*, but the subjunctive is required as *alicui qui=alicui tali ut* (indefinite). Zumpt. Cf Madvig § 364.

esse videatur] on this favourite Ciceronian ending see Quintilian X 2 § 18.

29. *te non fato*] an allusion to the line *fato Metelli fiunt Romae consules:* ascribed by the Scholiast to Naevius. If the author's name was Naevius he can hardly have been the famous poet of that name who died about BC 200 (Brutus § 60) as the extraordinary series of consulships held by Metelli did not begin till more than fifty years later. Metelli were consuls in BC 143 142 123 119 117 115 113 109 (cf Velleius II 11). The line was probably from some anonymous lampoon of the Gracchan period and came to be ascribed in later times to Naevius from the tradition of his enmity to the Metelli. Gellius III 3. Zumpt.

quaesitor] many MSS have *quaestor:* but the form *quaesitor* is always used when 'presiding judge' is meant as here.

nimium diligentem] when Cicero was not holding a brief he could use different language about Glabrio, see Brutus § 239 where he speaks of his *socors natura neglegensque.*

in Iuniano consilio] in the trial of Oppianicus, over which C. Junius presided, as *iudex quaestionis.* See the pro Cluent passim and below §§ 38, 39.

30 Kal. Ianuariis non habebimus. 30. Q Manlium et Q Cornificium, duos severissimos atque integerrimos iudices, quod tribuni plebis tum erunt, iudices non habebimus. P Sulpicius, iudex tristis et integer, magistratum ineat oportet Nonis Decembribus, M Crepereius ex acerrima illa equestri familia et disciplina, L Cassius ex familia cum ad ceteras res tum ad iudicandum severissima, Cn Tremellius homo summa religione et diligentia, tres hi homines veteres tribuni militares sunt designati: ex Kal. Ianuariis non iudicabunt. subsortiemur etiam in M Metelli locum, quoniam is huic ipsi quaestioni praefuturus est. ita secundum Kalendas Ianuarias et praetore et prope toto consilio commutato, magnas accusatoris minas magnamque exspectationem iudicii ad nostrum arbitrium libidinemque eludemus.
31 31. Nonae sunt hodie Sextiles: hora VIII convenire

habebimus] Zumpt with some MSS reads *habemus:* but it seems better to keep the future, occurring as it does in a series of verbs in that tense, and resting on sufficient MS authority. (Madvig opuscula.)

30. *magistratum*] what this office was does not appear: it was not the tribuneship, for Sulpicius is separated from Manlius and Cornificius, and the tribunes entered upon their office not on the 5th but on the 10th of December. Zumpt.

equestri] Cicero loses no opportunity of paying a compliment to the equites. Cf below § 38.

L Cassius] perhaps the son of L Cassius Longinus the author of the phrase *cui bono?* pro Rosc Amer §§ 84, 85, pro Mil § 32, Philipp II § 35: he was noted for his severity. Val Max III 7 says his tribunal was called *scopulus reorum;* a *Cassianus iudex* (II in Verrem III § 137) was a proverbial expression.

ad ceteras res] referring probably to the *lex Cassia tabellaria* (B C 138) by which secret ballot was substituted for open voting in public trials, with the object of preventing bribery and coercion.

homines veteres] Zumpt takes this to mean 'experienced' 'old hands'=*veteratores*. Or it may mean 'of antique character', cf II in Verrem III § 217 *vetere illa ac singulari innocentia*, pro Rosc Amer § 26 *homines antiqui.*

tribuni militares] some of the military tribunes were elected by the comitia: hence called *comitiati:* others were nominated by a consul or proconsul, these were called *rufuli* because their privileges were regulated by a law of Rutilius Rūfus. Scholiast. Cf Livy VII 5, Festus p. 133.

prope toto] a slight exaggeration: the number of iudices appears to have been 13, while the number of prospective vacancies enumerated is 8.

eludemus] see note on div in Caecilium § 24.

31. *hora VIII*] so the Guelf MSS and others: vulgo, *hora VIIII:*

coepistis. hunc diem iam ne numerant quidem. decem dies sunt ante ludos votivos, quos Cn Pompeius facturus est: hi ludi dies quindecim auferent: deinde continuo Romani consequentur. ita prope XL diebus interpositis, tum denique se ad ea, quae a nobis dicta erunt, responsuros esse arbitrantur: deinde se ducturos et dicendo et excusando facile ad ludos Victoriae. cum his plebeios esse coniunctos: secundum quos aut nulli aut perpauci dies ad agendum futuri sunt. ita defessa ac refrigerata accusatione rem integram ad M Metellum praetorem esse venturam. quem ego hominem si eius fidei diffisus essem iudicem non retinuissem. 32. nunc tamen hoc 32
animo sum ut eo iudice quam praetore hanc rem transigi malim et iurato suam quam iniurato aliorum tabellas committere.

there is the same variation in II in Verrem II § 91. From ibid § 41 it appears that courts of justice rose at the completion of the *hora decima* (hence called *suprema*). The lateness of the hour of meeting may be ascribed to the iudices (as Senators) having been required to be present at a meeting of the Senate. Zumpt.

ludos votivos] to celebrate Pompeius' successful conclusion of the Sertorian war two years before. Scholiast.

consequentur] the *ludi votivi* would last from Aug 16 to Sept 1 inclusive, (Sextilis in the unreformed calendar had 29 days,) the *ludi Romani* (*magni*, *Circenses*) were held Sept 4—19. Counting the interval Sept 2—Sept 4 as holiday, the number of days will be 33 (*prope* XL).

excusando] all the MSS have *accusando*, which is clearly wrong. Lambinus conjectured *recusando:* Zumpt following the Juntine edition has *excusando*, which seems preferable. For an instance of *excusatio* for the purpose of delay cf pro Rabir 8 *quum ad iudicii moram familiaris funeris excusatio quaereretur.*

ludos Victoriae] instituted according to the Scholiast by Sulla to commemorate his victory in the civil war: they began on the 27th October, which would leave five weeks to be occupied by the defence. Zumpt.

plebeios] these lasted from the 4th to the 17th of November.

ad agendum] there would be few or no *dies fasti:* on which the courts were open see Ov fast I 45 foll.

refrigerata] Zumpt compares pro Planc § 55 *crimen de numis caluit re recenti nunc in causa refrixit*, tr 'when the vigour of the prosecution has flagged and its ardour cooled'.

integram] 'entire' 'without prejudice'. Cf ad Att V 21 § 13 *integram rem et causam reliquerim.*

32. *iniurato*] the praetor when

XI. nunc ego, iudices, iam vos consulo quid mihi faciendum putetis. id enim consilii mihi profecto taciti dabitis, quod egomet mihi necessario capiendum intellego. si utar ad dicendum meo legitimo tempore, mei laboris, industriae diligentiaeque capiam fructum ex accusatione: perficiam ut nemo umquam post hominum memoriam paratior, vigilantior, compositior ad iudicium venisse videatur. sed in hac laude industriae meae reus ne elabatur summum periculum est. quid est igitur quod fieri possit?
33 non obscurum, opinor, neque absconditum. 33. fructum istum laudis, qui ex perpetua oratione percipi potuit, in alia tempora reservemus: nunc hominem tabulis, testibus, privatis publicisque litteris auctoritatibusque accusemus. res omnis mihi tecum erit, Hortensi. dicam aperte. si te mecum dicendo ac diluendis criminibus in hac causa contendere putarem, ego quoque in accusando atque in explicandis criminibus operam consumerem. nunc quoniam pugnare contra me instituisti non tam ex tua natura quam ex istius tempore et causa malitiose, necesse est istius modi

presiding in a *quaestio perpetua* was not sworn: his general oath of office being considered sufficient. When however owing to press of criminal business no praetor was available, a *iudex quaestionis* was appointed to preside: either might be called *quaesitor* but the praetor is never called *iudex quaestionis*. The *iudex quaestionis* was sworn (pro Cluent § 91) and was not regarded as a *magistratus* (ibid § 39). Ramsay's introduction to the pro Cluentio.

xi. *id enim*] (I may do so with confidence) for...

legitimo tempore] twenty days, according to the Scholiast.

fructum ex accusatione] I have followed Madvig's correction (opuscula): vulgo *fructum, et ex accusatione perficiam*. Guelf 2 omits *et* and *ex re perficere ut* is, as Zumpt observes, a phrase of questionable Latinity.

compositior] 'with matter better arranged', so orator § 232 *compositi oratoris*. *compositio* is the technical term in rhetoric for arrangement, disposition of matter and words, cf de orat III § 200, Quintilian IX 4.

33. *istum*] see Madvig § 486, *iste* used of a thing we have ourselves recently mentioned and think of as more remote: 'that meed of praise (which now is undesirable) let us reserve for other times than these'.

nunc] 'as it is', usually *nunc vero*.

ex istius tempore et causa] 'to suit the extremity of your client's case'.

malitiose] 'knavishly' 'in a

rationi aliquo consilio obsistere. 34. tua ratio est ut se- 34
cundum binos ludos mihi respondere incipias, mea ut ante primos ludos comperendinem. ita fiet ut tua ista ratio existimetur astuta, meum hoc consilium necessarium. XII. verum illud quod instituerам dicere, mihi rem tecum esse, huius modi est. ego cum hanc causam Siculorum rogatu recepissem idque mihi amplum et praeclarum existimassem, eos velle meae fidei diligentiaeque periculum facere, qui innocentiae abstinentiaeque fecissent, tum suscepto negotio maius quiddam mihi proposui, in quo meam in rem publicam voluntatem populus Romanus perspicere posset.
35. nam illud mihi nequaquam dignum industria conatuque 35
meo videbatur, istum a me in iudicium iam omnium iudicio condemnatum vocari, nisi ista tua intolerabilis potentia et ea cupiditas, qua per hosce annos in quibusdam iudiciis

spirit of chicanery', cf de nat deor III § 75 *est malitia versuta et fallax nocendi ratio*, cf below § 55.

rationi] 'plan' or 'policy', cf pro Mur §§ 46, 83.

consilio] 'stratagem', cf de nat deor III § 15 *consilium imperatorium quod Graeci στρατήγημα appellant*. So div in Caecilium § 44 *nunquam ille me opprimet consilio*. It seems to be used here in this sense, cf *pugnare contra me instituisti* just above. For the metaphor of the combat cf div in Caecilium § 47.

34. *binos ludos*] sc *votivos et Romanos*: *binos* of two sets of games Madvig § 76 c.

comperendinem] 'procure an adjournment to the next day but one'. By the lex Cornelia (agreeing in this with the lex Servilia BC 111) trials *de repetundis* were divided into two parts the *actio prima* and *actio secunda*, between which there was an interval of a day (*comperendinatio*: *perendie* = *per unum diem*. Cicero's plan, as explained below § 55, was to cut short his opening speech and proceed at once to the production of evidence, examination of witnesses etc, so that the *actio prima* might be completed before the first *ludi*. On *comperendinatio* cf II in Verrem I §§ 20, 26 and Ramsay's Roman Antiquities pp 299, 300 (9th ed 1873).

xii. *Siculorum rogatu*] cf div in Caecilium §§ 2, 3.

innocentiae] in his Lilybaean quaestorship.

in rem publicam] both the Guelf MSS have *in re publica*: but voluntas = good will, zeal seems to be always used with *erga* or *in* with the accusative, cf Philipp XIII § 13 *quorum habetis cognitam voluntatem in rem publicam*.

35. *condemnatum*] cf above §§ 10, 17.

cupiditas] 'partisan spirit' or rather 'spirit of intrigue', cf II in Verrem II § 11 *tanta cupiditate esse defensum*: pro Planc § 43 *sine ulla cupiditatis suspitione* where it = cor-

usus es, etiam in istius hominis desperati causa interponeretur. nunc vero, quoniam haec te omnis dominatio regnumque iudiciorum tanto opere delectat et sunt homines, quos libidinis infamiaeque suae neque pudeat neque taedeat, qui quasi de industria in odium offensionemque populi Romani irruere videantur, hoc me profiteor suscepisse magnum fortasse onus et mihi periculosum, verum tamen dignum in quo omnes nervos aetatis industriaeque meae contenderem.
36 36. quoniam totus ordo paucorum improbitate et audacia premitur et urgetur infamia iudiciorum, profiteor huic generi hominum me inimicum accusatorem odiosum adsiduum acerbum adversarium. hoc mihi sumo, hoc mihi deposco, quod agam in magistratu, quod agam ex eo loco, ex quo me populus Romanus ex Kal. Ianuariis secum agere de re

rupt partiality: ibid § 46 *cupidos sui* § 55 *cupidi tui* (=partisans): so in pro Caecina § 8 *cupidus iudex*=partial judge.

dominatio regnumque] cf div in Caecilium § 24 *sese in iudiciis diutius dominari non posse*, II in Verrem V § 175 *regiam istam vestram* (of the *nobiles*) *in iudiciis et omni in re publica*. *dominatio* is always used in a bad sense (cf Tac ann I 1 where it is applied to the tyranny of Sulla), *regnum* though sometimes colourless generally implies arbitrary or usurped dominion.

offensionem] see on div in Caecilium § 42.

profiteor] 'I avow' with the sense of owning freely and glorying in, cf pro Caecina § 24 *ita libenter confitetur ut non solum fateri sed etiam profiteri videatur*, pro Rabirio § 17 *fateor atque etiam profiteor et prae me fero*.

aetatis] 'youth'. Cicero was at this time 36 and therefore still a *iuvenis*: Hortensius was eight years his senior.

36. *inimicum*] 'personally hostile'.

odiosum] 'offensive', 'annoying'.

assiduum] 'unremitting'.

hoc mihi sumo] Zumpt omits *mihi* following the two Guelf MSS, but *sibi sumere*=to appropriate, claim as one's own, is the ordinary expression, and is certainly more forcible here.

ex eo loco] de rostris scilicet Schol. Cf II in Verrem I § 14 *hanc ego causam cum agam beneficio populi Romani de loco superiore*, which refers to his privilege as aedile-designate of addressing the court from the bench not from the bar (*ex subselliis, ex loco inferiore*).

secum agere] *agere cum populo* is defined by Gellius XIII 16 § 3 as *rogare quid populum quod suffragiis suis aut iubeat aut vetet*, it is only used of magistrates making propositions to the people in comitia: cf de imp Cn Pomp § 1 *hic locus ad agendum amplissimus* (Cicero was then praetor B C 67).

publica ac de hominibus improbis voluit: hoc munus aedilitatis meae populo Romano amplissimum pulcherrimumque polliceor. moneo, praedico, ante denuntio: qui aut deponere aut recipere aut accipere aut polliceri aut sequestres aut interpretes corrumpendi iudicii solent esse quique ad hanc rem aut potentiam aut impudentiam suam professi sunt, abstineant in hoc iudicio manus animosque ab hoc scelere nefario. XIII. 37. erit tum consul Hortensius 37
cum summo imperio et potestate, ego autem aedilis, hoc est, paullo amplius quam privatus, tamen haec huius modi res est, quam me acturum esse polliceor, ita populo Romano grata atque iucunda, ut ipse consul in hac causa prae me minus etiam, si fieri possit, quam privatus esse videatur.

36. *de hominibus improbis*] the aediles had a general police authority, they could punish offences against public decency and trespasses on public domains: but, as Zumpt remarks, Cicero here seems to exaggerate his powers as aedile when he extends them to the cognisance of judicial corruption.

hoc munus] 'this exhibition I promise the Roman people shall be the grandest and fairest that I shall give in my office of aedile'. sc *munerum aedilitatis meae*: *munus*=an entertainment or show *given* by a magistrate (usually one of the aediles), especially a gladiatorial show. See Cicero's summary of the duties of an aedile in II in Verrem V § 36.

moneo, praedico, ante denuntio] a solemn declaration of war, cf below § 43 *moneo praedicoque*, Livy XXI 10 § 3 *monuisse praedixisse* etc.

recipere] the Scholiast explains this as=spondere, to be warrant or surety for the performance of his covenant by a bribed iudex. Zumpt considers it as the correlative of *deponere* 'recipere videtur sequester ab eo qui deponit pecuniam' while *accipere*=to receive for oneself.

sequestres] 'depositaries'.

interpretes] 'agents', 'go-betweens'.

professi sunt] 'have boasted of'.

abstineant] for the omission of *ut* 'after verbs which denote a wish combined with influence over others' see Madvig § 372 b obs 4.

xiii. 37. *imperio et potestate*] the consuls possessed *imperium* (supreme military command) which could only be conferred by a *lex curiata*: and *potestas* (civil authority) in virtue of their election by the *comitia centuriata*: the aediles had *potestas* in virtue of their election by the *comitia tributa* but not *imperium*, cf Messalla apud Gellium XIII 15.

paullo amplius] Cicero, after magnifying above measure his powers as aedile to intimidate the agents of corruption, here depreciates them unduly to enhance the personal credit which he would acquire by achieving greater results than could be expected from one in his inferior official position.

omnia non modo commemorabuntur, sed etiam exposi-
tis certis rebus agentur, quae inter decem annos, postea
quam iudicia ad senatum translata sunt, in rebus iudicandis
38 nefarie flagitioseque facta sunt. 38. cognoscet ex me
populus Romanus quid sit quamobrem cum equester ordo
iudicaret, annos prope quinquaginta continuos, in nullo iudice
[equite Romano iudicante] ne tenuissima quidem suspitio
acceptae pecuniae ob rem iudicandam constituta sit, quid
sit quod iudiciis ad senatorium ordinem translatis sublata-
que populi Romani in unum quemque vestrum potestate Q

commemorabuntur...agentur] 'I shall not confine myself to a bare mention of all the crimes and enormities that have been committed in the course of the last ten years since the transference of the courts to the Senate, but narrating fully certain facts I shall deal with them in their connection with the matter in hand' (*agentur*). Cf div in Caecilium § 39 *non solum exponenda sed etiam graviter copioseque agenda.*

inter decem annos] for *inter* 'in the course of' cf pro Quinct § 46 *inter tot annos*, de imp Cn Pomp § 68. The time was actually eleven years, the lex Cornelia de iudiciis having been enacted BC 81.

38. *prope quinquaginta*] really 41, from the law of Gaius Gracchus BC 122, which gave the iudicia to the equites, to the lex Cornelia BC 81.

in nullo iudice] in all the MSS follow the words *equite Romano iudicante*, which are entirely superfluous, being merely a repetition of *cum equester ordo iudicaret* and evidently added by a copyist (Madvig). I have therefore bracketed them. Zumpt proposes to omit *iudicante* only.

in nullo—ne—quidem] for the double negative without an affirmative signification see Madvig § 460 obs 2: the proposition beginning with a general negation and a single idea being then brought prominently forward by *ne—quidem*. Cf II in Verrem I § 155 *non enim praetereundum est ne id quidem.*

acceptae pecuniae] the equestrian iudicia, if free as Cicero asserts from the least suspicion of corruption, were notorious for their merciless severity, especially to men of the senatorial order. See for instances pro Scauro § 2, Velleius II 7 § 1, 8 § 1, 13 § 2: *quippe eam potestatem nacti equites Gracchanis legibus cum in multos clarissimos atque innocentissimos viros saevissent* etc. They were severe to provincial governors, not because these oppressed the provincials, but because the interests of the *publicani*, who were generally equites, were opposed to those of the magistrates. The Scholiast says of the equites, 'iudicaverunt annos XXXX sine infamia, senatorius ordo...iudicavit per X annos turpiter'. See Merivale I p 63.

sublata—potestate] Zumpt refers this to the right of the tribunes to summarily arrest and bring before a popular assembly or throw into prison any offender of senatorial rank (*unumquemque vestrum*). On the curtailment of the tribunician

Calidius damnatus dixerit minoris sestertium triginta milibus
praetorium hominem honeste non posse damnari, quid sit
quod P Septimio senatore damnato, Q Hortensio praetore
de pecuniis repetundis lis aestimata sit eo nomine, quod ille
ob rem iudicandam pecuniam accepisset, 39. quod in C 39
Herennio, quod in C Popilio senatoribus, qui ambo pecu-
latus damnati sunt, quod in M Atilio, qui de maiestate
damnatus est, hoc planum factum est, eos pecuniam ob rem

power by Sulla see on div in Caecilium § 8, on the *ius prendendi* of the tribunes see Gellius XIII 12 who quotes Ateius Capito and Varro to prove that the tribunes had the *ius prendendi* but not the *ius vocandi* (which belonged only to those magistrates who had *imperium*).

Q Calidius] condemned according to the Scholiast in BC 77 in the *quaestio de repetundis* (praetor urbanus 79, praetor of Spain 78).

sertertium triginta milibus] = £240. The Scholiast read *tricies*, sc centena milia = £24,000. If the latter reading be adopted it must be understood of the whole sum paid: if the former, of the sum paid to each iudex '£240 a-piece'. *minoris:* on the so-called genitive of price see Roby II preface, who refers it to the locative 'price *at* which' (cf *nec pili facit uni* Catull XVII 17) and considers *pluris minoris*, the only palpable genitives used in this sense, to be derived from a false analogy.

honeste] 'decently', 'with propriety'. Calidius according to the Scholiast thanked his judges for their *honestas* in selling him at a price not beneath his dignity as a *praetorius homo.*

Septimio] on this see the pro Cluent §§ 115 foll 138 foll where it appears that Septimius was condemned not for receiving a bribe in the trial of Oppianicus (*iudicium Iunianum*) but on other charges (*aliis criminibus*), cf especially §§ 138, 139 where Cicero refers to this passage and contends that it ought not to be brought up against him, as the statements here made were grounded only on common report, not on personal investigation of the facts, and avows that they were made merely to suit his case, not as expressing his own deliberate opinion (*errat vehementer si quis in orationibus nostris quas in iudiciis habuimus auctoritates nostras consignatas se habere arbitratur. Omnes enim illae causarum ac temporum sunt non hominum ipsorum aut patronorum* etc). In the pro Cluent his object was to prove that Oppianicus was righteously condemned, here of course to magnify the corruption of the senatorial tribunals.

lis aestimata sit] on the litis aestimatio = assessment of damages cf Ramsay on pro Cluent § 115. Septimius after having been found guilty on a charge *de repetundis* was, in addition to the fine inflicted for that offence, also sentenced to a fine on the count (*eo nomine*) of having taken a bribe in the Junian trial.

39. *factum est—sunt—est*] note the anacoluthon in the sudden transition to the indicative as if the three latter clauses depended not on *cognoscet quid sit* but on *quid est* simply.

iudicandam accepisse, quod inventi sunt senatores, qui C Verre praetore urbano sortiente exirent in eum reum, quem incognita causa condemnarent, quod inventus est senator, qui cum iudex esset, in eodem iudicio et ab reo pecuniam acciperet quam iudicibus divideret et ab accusatore ut reum
40 condemnaret. 40. iam vero quo modo ego illam labem ignominiam calamitatemque totius ordinis conquerar, hoc factum esse in hac civitate, cum senatorius ordo iudicaret, ut discoloribus signis iuratorum hominum sententiae notarentur? haec omnia me diligenter severeque acturum esse polliceor.

XIV. quo me tandem animo fore putatis, si quid in hoc ipso iudicio intellexero simili aliqua ratione esse violatum atque commissum? cum planum facere multis testibus possim C Verrem in Sicilia multis audientibus saepe

senatores] again referring to the Junian trial: in particular to the case of C Fidiculanius Falcula: pro Cluent §§ 103 foll: see also the ironical account of him pro Caecina § 28.

C Verre...sortiente] here = subsortiente. Falcula was added to the jury by the supplementary lot-drawing (*subsortitio*) by which casual vacancies were filled up. He had apparently no right to sit, not being of that *decuria* to which the lot had fallen (*mulcta est ab eo petita quod non suae decuriae munere neque ex lege sedisset* Cluent § 103), hence Verres' name is brought in with reference to the *sortitio*, to imply that there had been some kind of job.

exirent] according to Hotoman = *irent*, or perhaps 'went out to consider their verdict on' = *in consilium irent* (pro Cluent § 74).

incognita causa] i e Falcula, being put on the jury by *subsortitio* near the end of the trial, had heard very little of the evidence, pro Cluent § 103 *Falcula qui Oppianicum condemnarat cum praesertim* (although) *id quod fuit in illo iudicio invidiosissimum paucos dies ex subsortitione sedisset*. In § 104 Cicero attempts to justify his conduct.

senator] C Aelius Staienus, cf pro Cluent §§ 65, 70. He is described as *egens sumptuosus audax callidus perfidiosus*. He was tried and found guilty. Brutus § 241.

40. *iam vero*] 'now again'.

discoloribus] see above § 17.

acturum] as above § 37.

xiv. *putatis*] all the MSS have *putetis* contrary to Latinity: in questions of this kind the indicative is always used, cf de fin II § 60 *quomodo eum tandem laturum fuisse existimas?* Ibid II § 76 *quam spem—futuram putas?* with Madvig's notes.

si quid—violatum atque commissum] 'if I shall find that any outrage has been perpetrated'.

dixisse, se habere hominem potentem, cuius fiducia provinciam spoliaret: neque sibi soli pecuniam quaerere, sed ita triennium illud praeturae Siciliensis distributum habere, ut secum praeclare agi diceret, si unius anni quaestum in rem suam converteret, alterum patronis et defensoribus traderet, tertium illum uberrimum quaestuosissimumque annum totum iudicibus reservaret. 41. ex quo mihi venit in men- 41
tem illud dicere, (quod apud M' Glabrionem nuper cum in reiiciendis iudicibus commemorassem, intellexi vehementer populum Romanum commoveri) me arbitrari fore uti nationes exterae legatos ad populum Romanum mitterent, ut lex de pecuniis repetundis iudiciumque tolleretur: si enim iudicia nulla sint, tantum unum quemque ablaturum putant, quantum sibi ac liberis suis satis esse arbitretur: nunc, quod eius modi iudicia sint, tantum unum quemque auferre, quantum sibi patronis advocatis praetori iudicibus satis futurum sit: hoc profecto infinitum esse: se avarissimi hominis cupiditati satis facere posse, nocentissimi victoriae

potentem] sc Hortensium.

cuius fiducia] 'relying on whom', objective genitive Madvig § 283, for which in II in Verrem V § 176 we find the possessive pronoun *tua fiducia*.

distributum habere] see Madvig § 427.

secum praeclare agi] 'that he was doing splendidly for himself': cf II in Verrem III § 119 *intelleget secum actum esse pessime*.

agi diceret] this in strictness should be *ageretur*, the sentence depending on *Verrem—saepe dixisse*.

tertium illum] 'the third and last'.

41. *fore uti*] see Madvig § 410.

ad populum Romanum] i e to the Senate, to whom belonged the administration of foreign affairs and who alone received embassies from independent states and deputations from the provinces.

lex] the lex Cornelia of B C 81.

arbitretur] the inferior MSS have *arbitrentur*, both the Guelf MSS *arbitretur*. Zumpt observes that Cicero uses the singular after *quisque unus quisque* when = each one by himself (distributively), cf II in Verrem II § 95, though later writers, especially Tacitus, constantly use the plural.

eius modi] 'of such a character as I have described'.

advocatis] here as always in pre-Augustan and Augustan Latin = 'advisers' supporters (*defensoribus*), cf pro Cluent § 110 where it is coupled with *laudator* (or witness to character). In writers of the silver age it is used = *patronus*.

nocentissimi victoriae] I have adopted the almost certain emendation of Madvig (opuscula) for the

42 non posse. 42. o commemoranda iudicia praeclaramque existimationem nostri ordinis, cum socii populi Romani iudicia de pecuniis repetundis fieri nolunt, quae a maioribus nostris sociorum causa comparata sunt! an iste umquam de se bonam spem habuisset, nisi de vobis malam opinionem animo imbibisset? quo maiore etiam, si fieri potest, apud vos odio esse debet, quam est apud populum Romanum, cum in avaritia scelere periurio vos sui similes esse arbitretur.

43 XV. 43. cui loco, per deos immortales, iudices, consulite ac providete. moneo praedicoque id, quod intellego, tempus opportunissimum hoc vobis divinitus datum esse, ut odio invidia infamia turpitudine totum ordinem liberetis. nulla in iudiciis severitas, nulla religio, nulla denique iam existimantur esse iudicia. itaque a populo Romano con-

MSS reading *nocentissimae victoriae: nocentissimi* being absolutely required to give point to the sentence. The provincials might be able to satisfy the cupidity of a greedy governor: they could not endure the extortion necessary to procure the acquittal (*victoriae*) of a guilty one.

42. *nolunt*] note the rhetorical use of the present for the future, the speaker assuming as an actual fact that which he has just spoken of as sure to happen.

sociorum causa] cf div in Caecilium § 18 *haec lex socialis est*, II in Verrem II § 15.

comparata] 'instituted', cf pro Mur § 77 *quae omnia maiores nostri comparaverunt*, auct ad Herenn IV § 23 *bene maiores nostri hoc comparaverunt.*

odio esse] so with *in* de imp Cn Pomp § 65 *quanto in odio simus apud exteras nationes:* to be distinguished from the predicative dative *odio esse alicui.*

sui similes] see Madvig's note on de fin V § 12 *patri similis* where he shews that Cicero and the older writers generally use the genitive of persons, genitive and dative of things after *similis:* the dative of persons is very rare in Cicero, and in most places admits of an easy correction. He explains the usage on the theory that *similis* when used of persons is a quasi-substantive and so naturally takes the objective genitive. The old distinction of the grammarians that the genitive expresses mental or moral likeness, the dative outward, is quite unfounded. Cf Roby II § 1317.

XV. 43. *cui loco*] 'for this juncture', 'crisis'.

moneo praedicoque] see above § 36.

divinitus] see above § 1.

contemnimur, despicimur] 'we are slighted, we are despised', cf above § 9 *despiceret contemneretque*, pro Mur § 78 *contempsit atque despexit.*

temnimur, despicimur: gravi diuturnaque iam flagramus infamia. 44. neque enim ullam aliam ob causam populus 44
Romanus tribuniciam potestatem tanto studio requisivit, quam cum poscebat, verbo illam poscere videbatur, re vera iudicia poscebat. neque hoc Q Catulum hominem sapientissimum atque amplissimum fugit, qui Cn Pompeio viro fortissimo et clarissimo de tribunicia potestate referente cum esset sententiam rogatus, hoc initio est summa cum auctoritate usus: patres conscriptos iudicia male et flagitiose tueri: quodsi in rebus iudicandis populi Romani existimationi satis facere voluissent, non tanto opere homines fuisse tribuniciam potestatem desideraturos. 45. 45
ipse denique Cn Pompeius, cum primum contionem ad urbem consul designatus habuit, ubi, id quod maxime

flagramus infamia] 'we are living in a blaze of infamy', cf ad Att IV 18 § 2 *consules flagrant infamia.*

44. *iudicia poscebat*] see note on div in Caecilium § 8 *iudiciorum desiderio tribunicia potestas efflagitata est.*

Q Catulum] the most illustrious and generally esteemed of the moderate optimates. As consul in B C 77 he put down the insurrection of Lepidus. He was for many years *princeps senatus.* On the popular estimation of him see de imp Cn Pomp § 59, Velleius II 32 43. For Cicero's opinion of him cf pro Sest § 101, ad Att I 20.

referente] sc *ad senatum* 'when Pompeius was bringing forward his motion on the tribunician power in the Senate'. *referre* is always of proposing a measure to the Senate: while *ad populum* (*ad plebem*) *ferre* is used of propositions made to the people assembled in comitia.

sententiam rogatus] see Ramsay's Roman Antiquities pp 218, 219.

auctoritate] of an effective, weighty style of speech: perhaps with some allusion to the phrase *auctor legis*=supporter of a bill (de leg III § 34, ad Att I 19 § 4).

patres conscriptos] ordinarily employed as a form of address to the Senate, but also used in speaking of them as here in II in Verrem I § 99, in Pison § 18. Zumpt.

fuisse...desideraturos] see Madvig § 409 obs (cf § 381), in *oratio directa* it would have been *desiderarent.*

45. *ad urbem*] on his return from the Sertorian war. Before he laid down his proconsular *imperium* he could not enter the city, so this speech was delivered 'near the city' (*ad urbem*), probably in the Campus Martius or on the Aventine (which was not within the limits of the *pomoerium* Gellius XIII 14), cf II in Verrem II § 17 *statim Romae et ad urbem* (of Verres after his appointment to the praetorship of Sicily).

consul designatus] Pompeius, though according to the provisions

exspectari videbatur, ostendit se tribuniciam potestatem restituturum, factus est in eo strepitus et grata contionis admurmuratio. idem in eadem contione cum dixisset: populatas vexatasque esse provincias, iudicia autem turpia ac flagitiosa fieri: ei rei se providere ac consulere velle: tum vero non strepitu, sed maximo clamore suam populus
46 Romanus significavit voluntatem. XVI. 46. nunc autem homines in speculis sunt, observant quemadmodum sese unus quisque vestrum gerat in retinenda religione conservandisque legibus. vident adhuc post legem tribuniciam unum senatorem vel tenuissimum esse damnatum: quod tametsi non reprehendunt, tamen magno opere quod laudent non habent. nulla est enim laus ibi esse integrum, ubi
47 nemo est qui aut possit aut conetur corrumpere. 47. hoc est iudicium, in quo vos de reo, populus Romanus de vobis

of the *lex annalis* not yet qualified for the aedileship much less the consulship, was by a special decree of the Senate released from his legal disability and enabled to stand for the consulship. Cf de imp Cn Pomp § 62 *quid tam singulare quam ut ex senatus consulto legibus solutus consul ante fieret quam ullum alium magestratum per leges capere licuisset* (cf Velleius II 30) whence it appears that the quaestorship was not reckoned as a *magistratus* as being 35 he was qualified for that office (the legal age for which was probably 27, at most 31: see Ramsay Rom Antiq pp 173, 174).

restituturum] cf Velleius II 30 § 4: de leg III § 22.

in eo] 'thereat'.

strepitus] a 'hum' or 'buzz' of approval.

admurmuratio] used both of approbation and disapprobation, see note on *clamore* below.

clamore] so *clamor* is contrasted with *admurmuratio* in in Pison § 31 *qui non admurmuratione sed voce et clamore abiecti hominis furorem fregistis.*

XVI. 46. *in speculis sunt*] 'are on the watch', 'the look-out', cf pro reg Deiot § 22, Ovid her XVIII 12 *in speculis omnis Abydos erat.*

unus quisque...gerat] see above, note on *arbitretur* § 41.

legem tribuniciam] evidently the law passed in this year by Pompeius, restoring the tribunician power, not, as Ernesti in his commentary explains it, the lex Cornelia of BC 81, which abrogated it.

vel tenuissimum] 'of the very slenderest means.' So *tenuissimi* are contrasted with *locupletissimi* in II in Verrem II § 138.

47. *hoc est iudicium*] Ursinus (ap Werburgh) compares Dinarchus in Demosthenem p. 90 ὁρᾶτε γὰρ ὦ ἄνδρες Ἀθηναῖοι ὅτι παρὰ μὲν ὑμῖν Δημοσθένης οὑτοσὶ κρίνεται, παρὰ δὲ τοῖς ἄλλοις ὑμεῖς, οἳ σκοποῦσί τινα ποτὲ γνώμην ἕξετε περὶ τῶν τῇ πατρίδι συμφερόντων... (cf

iudicabit: in hoc homine statuetur, possitne senatoribus iudicantibus homo nocentissimus pecuniosissimusque damnari. deinde est eius modi reus in quo homine nihil sit praeter summa peccata maximamque pecuniam, ut, si liberatus sit, nulla alia suspitio nisi ea quae turpissima est residere possit. non gratia non cognatione non aliis recte factis non denique alio mediocri vitio tot tantaque eius vitia sublevata esse videbuntur. 48. postremo ego causam 48
sic agam, iudices, eius modi res, ita notas ita testatas ita magnas ita manifestas proferam, ut nemo a vobis ut istum absolvatis per gratiam conetur contendere. habeo autem certam viam atque rationem, qua omnes illorum conatus investigare et consequi possim. ita res a me agetur, ut in eorum consiliis omnibus non modo aures hominum, sed

above *observant quemadmodum sese unus quisque vestrum gerat...*) Whether the present passage is a conscious imitation or merely a coincidence of thought and expression, the resemblance is remarkable.

iudicabit] for the omission of the verb in the former of two coordinate propositions, when it can be supplied from the latter, cf Madvig § 478.

in hoc homine] 'the issue of the defendant's trial will determine'. Cf above § 2 *adduxi enim hominem in quo reconciliare...possetis.*

in quo homine] for the attraction of the substantive to the relative clause see Madvig §§ 319, 320.

liberatus] 'acquitted', cf pro Cluent § 60 *hunc qui bis iam condemnatum acceperant liberarent.*

gratia] see above, note on § 15.

non aliis recte factis] equivalent to *non aliis factis* i e *recte factis* = by no actions of a different character to the rest, i e good actions. Or we may take *aliis* as otiose as *nihil aliud nisi* = *nihil nisi.*

mediocri] 'commonplace'.

48. *viam atque rationem*] 'method and plan of procedure'. So coupled in II in Verrem V § 4 *defensionis ratio viaque:* frequent in the ablative = methodically and systematically.

consequi] 'follow up', 'attain to a thorough knowledge of', cf II in Verrem IV § 57 *nullo modo possum omnia istius facta aut memoria consequi aut oratione complecti.*

ita res...videantur] Zumpt suspects this passage of being an interpolation by some 'grammaticus' suggested by the similar passage in § 7. Some MSS read *populus Romanus...videatur*, omitting *oculi.* The antithesis (if it can be so called) being *aures hominum* and *oculi populi Romani* is utterly pointless. *hominium* possibly = those present in court: perhaps it would be better to read *non modo aures hominum sed etiam oculi interesse videantur* omitting *populi Romani* as proposed by Fritzsche.

49 etiam oculi populi Romani interesse videantur. 49. vos
aliquot iam per annos conceptam huic ordini turpitudinem
atque infamiam delere ac tollere potestis. constat inter
omnes post haec constituta iudicia, quibus nunc utimur,
nullum hoc splendore atque hac dignitate consilium fuisse.
hic si quid erit offensum, omnes homines non iam ex
eodem ordine alios magis idoneos, quod fieri non potest,
sed alium omnino ordinem ad res iudicandas quaerendum
50 arbitrabuntur. XVII. 50. quapropter primum ab dis
immortalibus, quod sperare mihi videor, hoc idem, iudices,
opto, ut in hoc iudicio nemo improbus praeter eum, qui
iam pridem inventus est, reperiatur, deinde si plures improbi fuerint, hoc vobis, hoc populo Romano, iudices, confirmo, vitam mehercule mihi prius quam vim perseverantiamque ad illorum improbitatem persequendam defuturam.

51 51. verum quod ego laboribus periculis inimicitiisque meis tum cum admissum erit dedecus, severe me persecuturum esse polliceor, id ne accidat, tu tua auctoritate sapientia diligentia, M' Glabrio, potes providere. suscipe causam iudiciorum, suscipe causam severitatis integritatis fidei religionis, suscipe causam senatus, ut is hoc iudicio probatus cum populo Romano et in laude et in gratia esse

49. *conceptam*] 'contracted'. Cf pro Rosc Amer § 66 *paternus maternusque sanguis .ex quo si macula concepta sit* etc, de off I § 123 *ipsa senectus dedecus concipit.*

post haec] the senatorial courts established by Sulla.

hoc splendore] = *huius iudicii splendore.* Cf Madvig on de fin II § 66 *hic dolor* = huius rei dolor, II in Verrem I § 18 *ita reieci iudices ut hoc constat post hunc statum reipublicae quo nunc utimur simili splendore et dignitate consilium nullum fuisse.*

alium omnino ordinem] sc *equestrem.* See above on § 2.

XVII. 50. *sperare mihi videor*] = *sperare debere mihi videor* 'I think I have ground for hoping' so used in Laelius § 15, de orat II § 122.

opto] so the best MSS: the rest have *peto.* Cf in Catil II § 15 *nunquam ego a diis immortalibus optabo.*

51. *inimicitiis*] 'personal hostility', cf above § 36 *inimicum accusatorem.*

suscipe] see note on div in Caecilium § 26.

in gratia esse] cf § 2 *adduxi enim*

possit. cogita, quo loco sis, quid dare populo Romano,
quid reddere maioribus tuis debeas: fac tibi paternae legis
Aciliae veniat in mentem, qua lege populus Romanus de
pecuniis repetundis optimis iudiciis severissimisque iudi-
cibus usus est. 52. circumstant te summae auctoritates, 52
quae te oblivisci laudis domesticae non sinant, quae te noctes diesque commoneant fortissimum tibi patrem, sapientissimum avum, gravissimum socerum fuisse. quare si Glabrionis patris vim et acrimoniam ceperis ad resistendum hominibus audacissimis, si avi Scaevolae prudentiam ad prospiciendas insidias, quae tuae atque horum famae

hominem in quo reconciliare existimationem iudiciorum amissam redire in gratiam cum populo Romano...possetis.

paternae legis Aciliae] the lex Acilia de repetundis passed by M' Acilius Glabrio, tribune of the plebs in BC 123 or 122. It is called *atrox* in II in Verrem I § 26. See excursus on *repetundae.* For the use of *venire in mentem* impersonally with the genitive of the object (on the analogy of *memini* and *obliviscor*) cf pro Quinct § 6, de orat II § 249, de fin V § 2. Madvig § 291 obs 3.

optimis iudiciis] because only one *ampliatio* and no *comperendinatio* was allowed, cf II in Verrem I § 26 *ego tibi illam Aciliam legem restituo qua lege multi semel auditi semel accusati semel auditis testibus condemnati sunt...*

severissimisque iudicibus] sc *equitibus:* see above on § 38 *acceptae pecuniae.*

52. *circumstant — auctoritates*] 'you have on every side the highest warrants for your righteous conduct'.

noctes diesque] Quintilian IX 4 § 23 observes that the proper order is *viros ac feminas diem ac noctem.* But Cicero uses *noctes et dies* (de orat I § 260) and *noctes diesque* (II in Verrem V § 112). Zumpt. Cf Madvig on de fin I § 51 *noctesque diesque.*

Glabrionis patris vim] nothing is known of him except that he was the author of the lex Acilia.

avi Scaevolae] according to the Scholiast P Mucius Scaevola consul in BC 133, pontifex maximus in 123. He was father-in-law of the elder Glabrio. Cicero often quotes him as an authority on points of law: for his *prudentia* cf Brutus § 108 (*loqui putabatur*) *P Scaevola valde prudenter et acute.*

soceri Scauri] Glabrio married Aemilia daughter of M Aemilius Scaurus (she was afterwards at the command of Sulla divorced from him and married to Pompeius) consul in BC 115 and 117, princeps Senatus and a strenuous champion of the aristocratic party (*constantiam*), cf pro Mur § 36 *M Scaurum hominem gravissimum civem egregium fortissimum senatorem.* Cf pro Sest § 101 *quem numquam ulla vis ullae minae ulla invidia labefecit. constantia* is also attributed to him in pro Fonteio § 24 (14).

comparantur, si soceri Scauri constantiam, ut ne quis te de vera et certa possit sententia demovere, intelleget populus Romanus integerrimo atque honestissimo praetore delectoque consilio nocenti reo magnitudinem pecuniae plus habuisse momenti ad suspitionem criminis quam ad rationem salutis.

53 XVIII. 53. mihi certum est non committere, ut in hac causa praetor nobis consiliumque mutetur. non patiar rem in id tempus adduci, ut [Siculi], quos adhuc servi designatorum consulum non moverunt, cum eos novo exemplo universos arcesserent, eos tum lictores consulum vocent: ut homines miseri, antea socii atque amici populi Romani, nunc servi ac supplices, non modo ius suum

52. *ut ne quis*] on *ut ne, ne, ut non* see Madvig § 456 and note on de fin II § 15.

delectoque consilio] 'a choice, select bench' well sifted by Cicero's scrupulous care in rejecting suspicious characters. Cf above §§ 16, 17, 49. Cf also pro Rosc Amer § 8 *qui...ex senatu in hoc consilium delecti estis propter severitatem.*

nocenti......salutis] 'that a guilty prisoner has found the greatness of his wealth more effectual in arousing suspicion of crime than in procuring him a means of escape'.

xviii. 53 *committere, ut*] cf above on § 28.

adduci] generally used of bringing into a place (*in iudicium* etc) or into a certain condition (*in angustias, in oblivionem* § 54), hence Gronovius conjectured *duci* ('should be protracted') but needlessly, as the latter meaning affords sufficient justification for the use of *adduci* here: tr 'should be brought to such a pass' (by delay).

[*Siculi*] if this word be retained the construction is anacoluthic, *Siculi* being a nominativus pendens, taken up by *eos* below. Madvig (opuscula) would eject it as an evident gloss foisted into the text to explain who were the people *quos servi...non moverunt.* He remarks that even if it did exist in the first draft of the speech, it could hardly have escaped Cicero's notice when he revised the speech for publication. On the strength of these considerations I have bracketed it.

servi...arcesserent...lictores...vocent] note the emphatic antithesis: the consuls *designate* had no *lictores* but only *servi*, they had no right of compelling attendance as the consuls had (*vocatio ius vocandi* Gellius XIII 12) but could only request it (*arcesserent*). For the matter referred to see above §§ 25, 27.

novo exemplo] 'after a new fashion' as Juvenal XIII 1 *exemplo quodcunque malo committitur* or rather perhaps 'setting a new precedent'.

homines miseri] cf above § 28 *testes praesertim Siculos timidos homines et afflictos...deterrere.*

fortunasque omnes eorum imperio amittant, verum etiam deplorandi iuris sui potestatem non habeant. 54. non 54
sinam profecto causa a me perorata quadraginta diebus interpositis tum nobis denique respondere, cum accusatio nostra in oblivionem diuturnitatis adducta sit: non committam ut tum haec res iudicetur, cum haec frequentia totius Italiae Roma discesserit, quae convenit uno tempore undique comitiorum ludorum censendique causa. huius iudicii et laudis fructum et offensionis periculum vestrum, laborem sollicitudinemque nostram, scientiam quid agatur memoriamque quid a quoque dictum sit omnium puto esse

deplorandi] 'of bewailing the loss of'. So in Cato § 84 *non lubet enim mihi deplorare vitam deplorare* is followed both by *de* and by the accusative: see Madvig § 223 c.

54. *quadraginta diebus*] see above § 31.

tum...denique] 'then and not till then' οὕτω δὴ, τότε δή. For *tum...denique* separated by one or more words cf Laelius § 84 *tum se denique errasse sentiunt*, pro Caecina § 100 *tum amittitur haec civitas denique.*

respondere] so Zumpt from the best MSS: the rest have *respondeant:* with the reading in the text supply *illos*, with *respondeant, illi.* For the omission of the demonstrative pronoun see Madvig § 401 obs 2.

oblivionem diuturnitatis] for the use of the genitive, 'the oblivion that lapse of time brings about', see note on div in Caecilium § 14. Cf above § 11 *sortis necessitudinem.*

totius Italiae] = *omnium Italorum*, cf above § 20 *tota Sicilia*, pro reg Deiot § 11 *totam Italiam effusam.*

ludorum] all the MSS have *iudiciorum*, which may have arisen from the similiarity of the termination to that of the preceding word *comitiorum.* Manutius first corrected *ludorum* from the Scholiast's note; Madvig and Zumpt agree in holding this to be the right reading.

censendique causa] 'in order to be registered', for this quasi-passive use of the gerund cf Velleius II 7 *ad censendum* (= *ut censerentur*), Acad II § 101 *percipiendi notam* (=mark by which they are known), Corn Nepos Att c 9 *spes restituendi* (=hope of being restored). See Madvig § 418, Roby II pref pp lxiii—lxvii, Munro on Lucr I 313.

offensionis] cf II in Verrem V § 178 *propter offensionem iudiciorum*, tr 'discredit': the genitive *huius iudicii* must be understood with each member of the sentence (*laudis fructum et offensionis periculum, laborem sollicitudinemque, scientiam...memoriamque*).

quid agatur] 'what is at stake', 'what issues are involved'. Cf II in Verrem IV § 113 *aguntur iniuriae sociorum agitur vis legum agitur existimatio veritasque iudiciorum.*

55 oportere. 55. faciam hoc, non novum, sed ab iis, qui nunc principes nostrae civitatis sunt, ante factum, ut testibus utar statim: illud a me novum, iudices, cognoscetis, quod ita testes constituam, ut crimen totum explicem, ut ubi id [interrogando] argumentis atque oratione firmavero, tum testes ad crimen accommodem, ut nihil inter illam usitatam accusationem atque hanc novam intersit, nisi quod in illa

55. *qui nunc principes*] according to the Scholiast the brothers Lucius and Marcus Lucullus. Lucius had been consul in BC 74, and was at this time carrying on the war against Mithradates with distinguished success (pro Mur §§ 33, 34, de imp Cn Pomp § 10). Marcus was consul the year after his brother, he triumphed in the year of this trial for his victories over the Dardani in Macedonia (in Pison § 44). The case referred to was their prosecution of P Servilius, the result of an hereditary feud (de off II § 50, de prov cons § 22, Acad II § 1, Quintilian XII 7 § 4). Neither of them could be reckoned an orator (Brutus § 222), a fact which sufficiently accounts for their dispensing with the customary opening speech.

illud a me novum] the innovation would consist in first setting forth a count of the accusation in full (*ut crimen totum explicem*), then, after strengthening it by argumentative discourse, to proceed at once to the examination of the witnesses proper to that particular charge (*tum testes ad crimen accommodem*). The ordinary course was for both the prosecutor's and defendant's counsel to deliver speeches which went over the whole case first, and then to proceed to the evidence (*tum, cum omnia dicta sunt*). Cicero by his 'stratagem' managed to forestall Hortensius' speech, which was intended to be prolonged till the votive games (above §§ 33, 34), by the production of the evidence *in the course of* his own speech: evidence which he rightly, as the event proved, thought would prove overwhelming. Cf II in Verrem I § 29 *etenim sic me ipsum egisse memoria tenetis ut in testibus interrogandis omnia crimina proponerem et explicarem ut cum rem totam in medio posuissem tum denique testem interrogarem.*

[*interrogando*] I have bracketed this word as being either a corruption of some word now lost, or as a gloss inserted by some 'grammaticus' without regard to the sense, to make a more complete correspondence (*interrogando argumentis atque oratione*) to *eadem interrogandi facultas argumentandi dicendique* just below. It is hopeless to extract any meaning from it as it stands: the sense is: after establishing and developing the charge by arguments and discourse, Cicero would *then* proceed to the examination of witnesses (*tum testes ad crimen accommodem*). Cf II in Verr I § 29 *ut cum rem totam in medio posuissem tum denique testem interrogarem.* Madvig (opuscula) proposes to eject *interrogando* altogether from the text: I have only bracketed it, as the consensus of MSS seems to me to point to a corruption rather than an interpolation.

tunc, cum omnia dicta sunt, testes dantur, hic in singulas res dabuntur, ut illis quoque eadem interrogandi facultas argumentandi dicendique sit. si quis erit qui perpetuam orationem accusationemque desideret, altera actione audiet: nunc id, quod facimus—ea ratione facimus, ut malitiae illorum consilio nostro occurramus—necessario fieri intellegat. 56. haec primae actionis erit accusatio. dici- 56
mus C Verrem, cum multa libidinose, multa crudeliter in cives Romanos atque socios, multa in deos hominesque nefarie fecerit, tum praeterea quadringentiens sestertium ex Sicilia contra leges abstulisse. hoc testibus hoc tabulis, privatis publicisque auctoritatibus ita vobis planum faciemus, ut hoc statuatis, etiam si spatium ad dicendum nostro

testes dantur] 'witnesses are produced', implying also that they are 'given' to the other side for cross-examination. So II in Verrem I § 26 *testibus editis*, de re pub I § 58 *dabo tibi testes:* we find also *testes proferre adhibere* in the same sense.

illis quoque] 'the other side too' Verres and his counsel. For the practice of cross-examination in a Roman trial cf pro Caecina §§ 26—29, pro Flacco §§ 21—23, Quintilian V c 7, VI c 4.

eadem] 'as much as I'.

altera actione audiet] i e after the *comperendinatio:* see excursus for the procedure *de repetundis*. Cf above § 33 *fructum istum laudis quae ex perpetua oratione percipi potuit in alia tempora reservemus.*

ea ratione facimus] the Scholiast proposes to omit the second *facimus*, but if the clause *ea ratione . . . occurramus* be put in a parenthesis there is no occasion for the omission.

malitiae] 'trickery', 'chicanery'. Cf above § 33.

consilio] 'strategy', cf above §§ 33, 34.

56. *atque socios*] vulgo *atque in socios:* all the best MSS omit the preposition: cf div in Caecilium § 41 *in foro iudiciisque.* Zumpt remarks that no general rule can be laid down as to repetition of prepositions in Cicero. Madvig § 470 observes that prepositions are repeated when the ideas conveyed by the different substantives are to be kept distinct (with *et... et, nec ...nec, aut ...aut, vel ...vel*) but not with words connected by *que:* monosyllabic prepositions are often repeated without any special reason.

quadringentiens] see note on div in Caecilium § 19.

tabulis] 'accounts' = *tabulis accepti et expensi. auctoritatibus* documentary evidence generally, attested either by individuals or corporate bodies (*privatis publicisque*). Cf above §§ 7, 33.

nostro commodo] 'at our convenience'. So *commodo tuo* in ad fam IV 2: *per commodum exponere* in Livy XLII 18.

commodo vacuosque dies habuissemus, tamen oratione longa nihil opus fuisse. dixi.

nihil opus] So *quid opus? opus* in negative or interrogative sentences is almost always impersonal. Madvig § 266.

dixi] when the counsel on either side had finished their speeches the *praeco* proclaimed *dixere* (II in Verrem II § 75, Quintilian I 5 § 43). Here Cicero uses it to signify that he has finished his opening address, and will proceed at once to the recital of depositions and the examination of witnesses.

VARIATIONS FROM ZUMPT'S TEXT OF THE ACTIO I IN VERREM (1831).

§ 3. religionem veritatemque.	religionem severitatemque. Z.
§ 5. tam esset obscurus.	tam esset astutus. Z.
§ 6. in Achaia.	in Achaiam. Z.
§ 7. tot graves.	tot tam graves. Z.
§ 10. convictam.	coniunctam. Z.
§ 12. vexavit ac perdidit.	vastavit vexavit ac perdidit. Z.
§ 19. ei voce maxima victoriam gratulatur.	ei voce maxima gratulatur. Z.
§ 21. ut is domum quoque pueros mitteret.	ut is domum quoque mitteret. Z.
§ 29. non habebimus.	non habemus. Z.
§ 32. capiam fructum ex accusatione: perficiam.	capiam fructum, et ex accusatione perficiam. Z.
§ 36. hoc mihi sumo.	hoc sumo. Z.
§ 38. nullo iudice [equite Romano iudicante].	nullo iudice equite Romano iudicante. Z.
§ 43. tempus opportunissimum hoc vobis.	tempus hoc vobis. Z.
§ 53. ut [Siculi] quos.	ut Siculi quos. Z.
§ 55. ubi id [interrogando] argumentis atque oratione firmavero.	ubi id interrogando argumentis atque oratione firmavero. Z.

INDEX TO NOTES ON I IN VERREM.

[*The numbers refer to sections.*]

THE END.

CAMBRIDGE: PRINTED BY J. & C. F. CLAY, AT THE UNIVERSITY PRESS.

THE PITT PRESS SERIES.

COMPLETE LIST.

GREEK.

Author	*Work*	*Editor*	*Price*
Aeschylus	Prometheus Vinctus	Rackham	2/6
Aristophanes	Aves—Plutus—Ranae	Green	3/6 *each*
,,	Vespae	Graves	3/6
,,	Nubes	,,	3/6
Demosthenes	Olynthiacs	Glover	2/6
Euripides	Heracleidae	Beck & Headlam	3/6
,,	Hercules Furens	Gray & Hutchinson	2/-
,,	Hippolytus	Hadley	2/-
,,	Iphigeneia in Aulis	Headlam	2/6
,,	Medea	,,	2/6
,,	Hecuba	Hadley	2/6
,,	Helena	Pearson	*In the Press*
,,	Alcestis	Hadley	2/6
,,	Orestes	Wedd	4/6
Herodotus	Book V	Shuckburgh	3/-
,,	,, VI, VIII, IX	,,	4/- *each*
,,	,, VIII 1—90, IX 1—89	,,	2/6 *each*
Homer	Odyssey IX, X	Edwards	2/6 *each*
,,	,, XXI	,,	2/-
,,	,, XI	Nairn	2/-
,,	Iliad VI, XXII, XXIII, XXIV	Edwards	2/- *each*
,,	Iliad IX, X	Lawson	2/6
Lucian	Somnium, Charon, etc.	Heitland	3/6
,,	Menippus and Timon	Mackie	3/6
Plato	Apologia Socratis	Adam	3/6
,,	Crito	,,	2/6
,,	Euthyphro	,,	2/6
,,	Protagoras	J. & A. M. Adam	4/6
Plutarch	Demosthenes	Holden	4/6
,,	Gracchi	,,	6/-
,,	Nicias	,,	5/-
,,	Sulla	,,	6/-
,,	Timoleon	,,	6/-
Sophocles	Oedipus Tyrannus	Jebb	4/-
Thucydides	Book III	Spratt	5/-
,,	Book VI	,,	*In the Press*
,,	Book VII	Holden	5/-

50,000
16/8/02

GREEK *continued.*

Author	*Work*	*Editor*	*Price*
Xenophon	Agesilaus	Hailstone	2/6
,,	Anabasis Vol. I. Text	Pretor	3/-
,,	,, Vol. II. Notes	,,	4/6
,,	,, I, II	,,	4/-
,,	,, I, III, IV, V	,,	2/- *each*
,,	,, II, VI, VII	,,	2/6 *each*
,,	Hellenics I, II	Edwards	3/6
,,	Cyropaedeia I, II (2 vols.)	Holden	6/-
,,	,, III, IV, V	,,	5/-
,,	,, VI, VII, VIII	,,	5/-
,,	Memorabilia II	Edwards	2/6

LATIN.

Bede	Eccl. History III, IV	Lumby	7/6
Caesar	De Bello Gallico		
	Com. I, III, VI, VIII	Peskett	1/6 *each*
,,	,, II–III, and VII	,,	2/- *each*
,,	,, I–III	,,	3/-
,,	,, IV–V	,,	1/6
,,	De Bello Civili. Com. I	Peskett	3/-
,,	,, ,, Com. III	,,	2/6
Cicero	Actio Prima in C. Verrem	Cowie	1/6
,,	De Amicitia	Reid	3/6
,,	De Senectute	,,	3/6
,,	De Officiis. Bk III	Holden	2/-
,,	Pro Lege Manilia	Nicol	1/6
,,	Div. in Q. Caec. et Actio Prima in C. Verrem	Heitland & Cowie	3/-
,,	Ep. ad Atticum. Lib II	Pretor	3/-
,,	Orations against Catiline	Nicol	2/6
,,	Philippica Secunda	Peskett	3/6
,,	Pro Archia Poeta	Reid	2/-
,,	,, Balbo	,,	1/6
,,	,, Milone	,,	2/6
,,	,, Murena	Heitland	3/-
,,	,, Plancio	Holden	4/6
,,	,, Sulla	Reid	3/6
,,	Somnium Scipionis	Pearman	2/-
Cornelius Nepos	Four parts	Shuckburgh	1/6 *each*
Horace	Epistles. Bk I	,,	2/6
,,	Odes and Epodes	Gow	5/-
,,	Odes. Books I, III	,,	2/- *each*
,,	,, Books II, IV; Epodes	,,	1/6 *each*
,,	Satires. Book I	,,	2/-
Juvenal	Satires	Duff	5/-

LATIN *continued.*

Author	*Work*	*Editor*	*Price*
Livy	Book I	Edwards	*In the Press*
,,	,, II	Conway	2/6
,,	,, IV, VI, IX, XXVII	Stephenson	2/6 *each*
,,	,, V	Whibley	2/6
,,	,, XXI, XXII	Dimsdale	2/6 *each*
Lucan	Pharsalia. Bk I	Heitland & Haskins	1/6
,,	De Bello Civili. Bk VII	Postgate	2/-
Lucretius	Book V	Duff	2/-
Ovid	Fasti. Book VI	Sidgwick	1/6
,,	Metamorphoses, Bk I	Dowdall	1/6
,,	,, Bk VIII	Summers	1/6
Phaedrus	Fables	Flather	1/6
Plautus	Epidicus	Gray	3/-
,,	Stichus	Fennell	2/6
,,	Trinummus	Gray	3/6
Quintus Curtius	Alexander in India	Heitland & Raven	3/6
Sallust	Catiline	Summers	2/-
,,	Jugurtha	,,	*Immediately*
Tacitus	Agricola and Germania	Stephenson	3/-
,,	Hist. Bk I	Davies	2/6
Terence	Hautontimorumenos	Gray	3/-
Vergil	Aeneid I to XII	Sidgwick	1/6 *each*
,,	Bucolics	,,	1/6
,,	Georgics I, II, and III, IV	,,	2/- *each*
,,	Complete Works, Vol. I, Text	,,	3/6
,,	,, ,, Vol. II, Notes	,,	4/6

FRENCH.

*The Volumes marked * contain Vocabulary.*

About	Le Roi des Montagnes	Ropes	2/-
Biart	Quand j'étais petit, Pts I, II	Boïelle	2/- *each*
Boileau	L'Art Poétique	Nichol Smith	2/6
Corneille	La Suite du Menteur	Masson	2/-
,,	Polyeucte	Braunholtz	2/-
De Bonnechose	Lazare Hoche	Colbeck	2/-
,,	Bertrand du Guesclin	Leathes	2/-
* ,,	,, Part II	,,	1/6
Delavigne	Louis XI	Eve	2/-
,,	Les Enfants d'Edouard	,,	2/-
De Lamartine	Jeanne d'Arc	Clapin & Ropes	1/6
De Vigny	La Canne de Jonc	Eve	1/6
***Dumas**	La Fortune de D'Artagnan	Ropes	2/-
***Enault**	Le Chien du Capitaine	Verrall	2/-

FRENCH *continued.*

Author	*Work*	*Editor*	*Price*
Erckmann-Chatrian	La Guerre	Clapin	3/-
,,	Waterloo	Ropes	3/-
,,	Le Blocus	,,	3/-
,,	Madame Thérèse	,,	3/-
,,	Histoire d'un Conscrit	,,	3/-
Gautier	Voyage en Italie (Selections)	Payen Payne	*In the Press*
Guizot	Discours sur l'Histoire de la Révolution d'Angleterre	Eve	2/6
Mme de Staël	Le Directoire	Masson & Prothero	2/-
,,	Dix Années d'Exil	,,	2/-
***Malot**	Remi et ses Amis	Verrall	2/-
* ,,	Remi en Angleterre	,,	2/-
Merimée	Colomba	Ropes	2/-
Michelet	Louis XI & Charles the Bold	,,	2/6
Molière	Le Bourgeois Gentilhomme	Clapin	1/6
,,	L'École des Femmes	Saintsbury	2/6
,,	Les Précieuses ridicules	Braunholtz	2/-
,,	,, *(Abridged Edition)*	,,	1/-
,,	Le Misanthrope	,,	2/6
,,	L'Avare	,,	2/6
Perrault	Fairy Tales	Rippmann	1/6
Piron	La Métromanie	Masson	2/-
Ponsard	Charlotte Corday	Ropes	2/-
Racine	Les Plaideurs	Braunholtz	2/-
,,	,, *(Abridged Edition)*	,,	1/-
,,	Athalie	Eve	2/-
Saintine	Picciola	Ropes	2/-
Sandeau	Mdlle de la Seiglière	,,	*In the Press*
Scribe & Legouvé	Bataille de Dames	Bull	2/-
Scribe	Le Verre d'Eau	Colbeck	2/-
Sédaine	Le Philosophe sans le savoir	Bull	2/-
Souvestre	Un Philosophe sous les Toits	Eve	2/-
,,	Le Serf & Le Chevrier de Lorraine	Ropes	2/-
* ,,	Le Serf	,,	1/6
Spencer	A Primer of French Verse		3/-
Thierry	Lettres sur l'histoire de France (XIII—XXIV)	Masson & Prothero	2/6
,,	Récits des Temps Mérovingiens, I—III	Masson & Ropes	3/-
Villemain	Lascaris ou les Grecs du XV[e] Siècle	Masson	2/-
Voltaire	Histoire du Siècle de Louis XIV, in three parts	Masson & Prothero	2/6 *each*
Xavier de Maistre	La Jeune Sibérienne. Le Lépreux de la Cité d'Aoste	Masson	1/6

GERMAN.

*The Volumes marked * contain Vocabulary.*

Author	*Work*	*Editor*	*Price*
***Andersen**	Eight Fairy Tales	Rippmann	2/6
Benedix	Dr Wespe	Breul	3/-
Freytag	Der Staat Friedrichs des Grossen	Wagner	2/-
,,	Die Journalisten	Eve	2/6
Goethe	Knabenjahre (1749—1761)	Wagner & Cartmell	2/-
,,	Hermann und Dorothea	,, ,,	3/6
,,	Iphigenie	Breul	3/6
***Grimm**	Selected Tales	Rippmann	3/-
Gutzkow	Zopf und Schwert	Wolstenholme	3/6
Hackländer	Der geheime Agent	E. L. Milner Barry	3/-
Hauff	Das Bild des Kaisers	Breul	3/-
,,	Das Wirthshaus im Spessart	Schlottmann & Cartmell	3/-
,,	Die Karavane	Schlottmann	3/-
* ,,	Der Sheik von Alessandria	Rippmann	2/6
Immermann	Der Oberhof	Wagner	3/-
Klee	Die deutschen Heldensagen	Wolstenholme	3/-
Kohlrausch	Das Jahr 1813	,,	2/-
Lessing	Minna von Barnhelm	Wolstenholme	3/-
Lessing & Gellert	Selected Fables	Breul	3/-
Mendelssohn	Selected Letters	Sime	3/-
Raumer	Der erste Kreuzzug	Wagner	2/-
Riehl	Culturgeschichtliche Novellen	Wolstenholme	3/-
,,	Die Ganerben & Die Gerechtigkeit Gottes	,,	3/-
Schiller	Wilhelm Tell	Breul	2/6
,,	,, *(Abridged Edition)*	,,	1/6
,,	Geschichte des dreissigjährigen Kriegs Book III.	,,	3/-
,,	Maria Stuart	,,	3/6
,,	Wallenstein I. (Lager and Piccolomini)	,,	3/6
,,	Wallenstein II. (Tod)	,,	3/6
Sybel	Prinz Eugen von Savoyen	Quiggin	2/6
Uhland	Ernst, Herzog von Schwaben	Wolstenholme	3/6

	Ballads on German History	Wagner	2/-
	German Dactylic Poetry	,,	3/-

ENGLISH

Author	*Work*	*Editor*	*Price*
Bacon	History of the Reign of King Henry VII	Lumby	3/-
,,	Essays	West	3/6 & 5/-
,,	New Atlantis	G. C. M. Smith	1/6
Cowley	Essays	Lumby	4/-
Defoe	Robinson Crusoe, Part I	Masterman	2/-
Earle	Microcosmography	West	3/- & 4/-
Gray	Poems	Tovey	4/- & 5/-
Kingsley	The Heroes	E. A. Gardner *In the Press*	2/-
Lamb	Tales from Shakespeare	Flather	1/6
Macaulay	Lord Clive	Innes	1/6
,,	Warren Hastings	,,	1/6
,,	William Pitt and Earl of Chatham	,,	2/6
,,	Lays and other Poems	Flather	1/6
Mayor	A Sketch of Ancient Philosophy from Thales to Cicero		3/6
More	History of King Richard III	Lumby	3/6
,,	Utopia	,,	3/6
Milton	Arcades and Comus	Verity	3/-
,,	Ode on the Nativity, L'Allegro, Il Penseroso & Lycidas	,,	2/6
,,	Samson Agonistes	,,	2/6
,,	Sonnets	,,	1/6
,,	Paradise Lost, six parts	,,	2/- *each*
Pope	Essay on Criticism	West	2/-
Scott	Marmion	Masterman	2/6
,,	Lady of the Lake	,,	2/6
,,	Lay of the last Minstrel	Flather	2/-
,,	Legend of Montrose	Simpson	2/6
,,	Lord of the Isles	Flather *In the Press*	2/-
,,	Old Mortality	Nicklin	2/6
Shakespeare	A Midsummer-Night's Dream	Verity	1/6
,,	Twelfth Night	,,	1/6
,,	Julius Caesar	,,	1/6
,,	The Tempest	,,	1/6
,,	King Lear	,,	1/6
,,	Merchant of Venice	,,	1/6
,,	King Richard II	,,	1/6
,,	As You Like It	,,	1/6
,,	King Henry V	,,	1/6
,,	Macbeth	,,	1/6
,,	Hamlet	,,	*In the Press*
Shakespeare & Fletcher	Two Noble Kinsmen	Skeat	3/6
Sidney	An Apologie for Poetrie	Shuckburgh	3/-
Wallace	Outlines of the Philosophy of Aristotle		4/6

ENGLISH *continued.*

Author	*Work*	*Editor*	*Price*
West	Elements of English Grammar		2/6
,,	English Grammar for Beginners		1/-
,,	Key to English Grammars		3/6 *net*
Carlos	Short History of British India		1/-
Mill	Elementary Commercial Geography		1/6
Bartholomew	Atlas of Commercial Geography		3/-

Robinson	Church Catechism Explained		2/-
Jackson	The Prayer Book Explained.	Part I	2/6
,,	,,	Part II	*In the Press*

MATHEMATICS.

Ball	Elementary Algebra		4/6
Euclid	Books I—VI, XI, XII	Taylor	5/-
,,	Books I—VI	,,	4/-
,,	Books I—IV	,,	3/-
	Also separately		
,,	Books I, & II; III, & IV; V, & VI; XI, & XII		1/6 *each*
,,	Solutions to Exercises in Taylor's Euclid	W. W. Taylor	10/6
	And separately		
,,	Solutions to Bks I—IV	,,	6/-
,,	Solutions to Books VI. XI	,,	6/-
Hobson & Jessop	Elementary Plane Trigonometry		4/6
Loney	Elements of Statics and Dynamics		7/6
	Part I. Elements of Statics		4/6
	,, II. Elements of Dynamics		3/6
,,	Elements of Hydrostatics		4/6
,,	Solutions of Examples, Statics and Dynamics		7/6
,,	Mechanics and Hydrostatics		4/6
Smith, C.	Arithmetic for Schools, with or without answers		3/6
,,	Part I. Chapters I—VIII. Elementary, with or without answers		2/-
,,	Part II. Chapters IX—XX, with or without answers		2/-
Hale, G.	Key to Smith's Arithmetic		7/6

London: C. J. CLAY and SONS,
CAMBRIDGE UNIVERSITY PRESS WAREHOUSE,
AVE MARIA LANE.
GLASGOW: 50, Wellington Street.

The Cambridge Bible for Schools and Colleges.

GENERAL EDITORS:
J. J. S. PEROWNE, D.D., FORMERLY BISHOP OF WORCESTER,
A. F. KIRKPATRICK, D.D., REGIUS PROFESSOR OF HEBREW.

Extra Fcap. 8vo. cloth, with Maps when required.

New Volumes.

I and II Chronicles. Rev. W. E. BARNES, D.D. 2*s.* 6*d. net.*
Psalms. Books II and III. Prof. KIRKPATRICK, D.D. 2*s. net.*
Psalms. Books IV and V. Prof. KIRKPATRICK, D.D. 2*s. net.*
Song of Solomon. Rev. ANDREW HARPER, B.D. 1*s.* 6*d. net.*
Book of Isaiah. Chaps. I.—XXXIX. Rev. J. SKINNER, D.D. 2*s.* 6*d. net.*
—— **Chaps. XL.—LXVI.** Rev. J. SKINNER, D.D. 2*s.* 6*d. net.*
Book of Daniel. Rev. S. R. DRIVER, D.D. 2*s.* 6*d. net.*
Epistles to Timothy & Titus. Rev. A. E. HUMPHREYS, M.A. 2*s. net.*

The Smaller Cambridge Bible for Schools.

Now Ready. With Maps. Price 1*s. each volume.*

Book of Joshua. Rev. J. S. BLACK, LL.D.
Book of Judges. Rev. J. S. BLACK, LL.D.
First Book of Samuel. Prof. KIRKPATRICK, D.D.
Second Book of Samuel. Prof. KIRKPATRICK, D.D.
First Book of Kings. Prof. LUMBY, D.D.
Second Book of Kings. Prof. LUMBY, D.D.
Ezra & Nehemiah. The Rt. Rev. H. E. RYLE, D.D.
Gospel according to St Matthew. Rev. A. CARR, M.A.
Gospel according to St Mark. Rev. G. F. MACLEAR, D.D.
Gospel according to St Luke. Very Rev. F. W. FARRAR, D.D.
Gospel according to St John. Rev. A. PLUMMER, D.D.
Acts of the Apostles. Prof. LUMBY, D.D.

The Cambridge Greek Testament for Schools and Colleges.

GENERAL EDITORS: J. J. S. PEROWNE, D.D.,
J. ARMITAGE ROBINSON, D.D.

New Volumes.

Epistle to the Philippians. Rt. Rev. H. C. G. MOULE, D.D. 2*s.* 6*d.*
Epistle of St James. Rev. A. CARR, M.A. 2*s.* 6*d.*
Pastoral Epistles. Rev. J. H. BERNARD, D.D. 3*s.* 6*d.*
Book of Revelation. Rev. W. H. SIMCOX, M.A. 5*s.*

London: C. J. CLAY AND SONS,
CAMBRIDGE WAREHOUSE, AVE MARIA LANE.
Glasgow: 50, WELLINGTON STREET.
Leipzig: F. A. BROCKHAUS.
New York: THE MACMILLAN COMPANY.

CAMBRIDGE: PRINTED BY J. & C. F. CLAY, AT THE UNIVERSITY PRESS.